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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 5, United States Code, to provide limitations on Federal teleworking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NUNN of Iowa introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 5, United States Code, to provide limitations on Federal teleworking, 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 title may be cited as the “Back to Work Act”.

5 **SEC. 2. MODIFICATION OF TELEWORK REQUIREMENTS FOR**
6 **FEDERAL EMPLOYEES.**

7 (a) IN GENERAL.—Chapter 65 of title 5, United
8 States Code, is amended—

9 (1) in section 6502—

1 (A) in subsection (b)(2)—

2 (i) in subparagraph (A), by striking

3 “and” at the end; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(C) provides that, subject to subsection
7 (d), an employee may not telework for more
8 than 40 percent of the work days of the em-
9 ployee per pay period;

10 “(D) shall be reviewed on an annual basis
11 by, and be subject to the annual approval of,
12 the head of the executive agency; and

13 “(E) provides that the executive agency, by
14 using remote technical means and other appro-
15 priate methods, will monitor and evaluate the
16 applicable employee when the employee is en-
17 gaged in telework;”; and

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

19 “(d) ADJUSTMENTS TO THE PERMITTED NUMBER
20 OF TELEWORK DAYS.—With respect to the limitation
21 under subsection (b)(2)(C), the head of an executive agen-
22 cy may—

23 “(1) further limit the number of work days per
24 pay period that an employee of the executive agency
25 may telework based on the specific role of the em-

1 ployee or other circumstances determined appro-
2 priate by the head of the executive agency, includ-
3 ing—

4 “(A) the frequency with which the em-
5 ployee needs to access classified information;

6 “(B) whether the employee is newly ap-
7 pointed; and

8 “(C) whether the employee occupies a
9 managerial position within the executive agency;
10 or

11 “(2) waive that limitation with respect to an
12 employee of the executive agency if—

13 “(A) the employee is a spouse of—

14 “(i) a member of the Armed Forces;
15 or

16 “(ii) a Federal law enforcement offi-
17 cer;

18 “(B) the employee occupies a position—

19 “(i) the duties of which require—

20 “(I) highly specialized expertise;
21 or

22 “(II) frequent travel; or

23 “(ii) for which finding qualified can-
24 didates is challenging; or

1 “(C) inclement weather or other exigent
2 circumstances prevent the employee from reach-
3 ing the worksite of the employee during a pay
4 period.

5 “(e) LIMITATIONS ON PAY.—With respect to any em-
6 ployee who has entered into a written agreement under
7 subsection (b)(2), and notwithstanding any other provision
8 of this title, such employee shall—

9 “(1) not be eligible for any adjustment to pay
10 under section 5303; and

11 “(2) receive locality-based comparability pay-
12 ments under section 5304 or 5304a at the percent-
13 age for the Rest of United States locality pay area.”;
14 and

15 (2) in section 6506, by adding at the end the
16 following:

17 “(e) EXECUTIVE AGENCY REPORTS.—

18 “(1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this subsection, and annu-
20 ally thereafter, the head of each executive agency
21 shall submit to the Committee on Homeland Secu-
22 rity and Governmental Affairs of the Senate and the
23 Committee on Oversight and Government Reform of
24 the House of Representatives a report that de-

1 scribes, for the period covered by the report, the fol-
2 lowing:

3 “(A) What metrics and methods the execu-
4 tive agency uses to determine the productivity
5 of employees who telework.

6 “(B) What barriers, if any, prevent the ex-
7 ecutive agency from enforcing the limitation
8 under section 6502(b)(2)(C) and any initiatives
9 of the executive agency to address those bar-
10 riers.

11 “(C) Any negative effects of telework, in-
12 cluding whether telework results in increased
13 costs, security vulnerabilities, lower employee
14 morale, decreased employee productivity, or
15 waste, fraud, or abuse.

16 “(D) Any actions taken by the executive
17 agency (or a detailed justification for any lack
18 of action) in response to any findings of, or rec-
19 ommendations made by, the Inspector General
20 of the executive agency with respect to telework.

21 “(2) GAO REPORT.—With respect to each re-
22 port submitted by the head of an executive agency
23 under paragraph (1), the Comptroller General of the
24 United States shall submit an accompanying report
25 that evaluates the accuracy and thoroughness of the

1 report submitted by the head of the executive agency
2 with respect to the matters required to be included
3 in the report of the executive agency under that
4 paragraph.”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a) shall take effect on the date that is 180
7 days after the date of enactment of this Act.