

118TH CONGRESS  
2D SESSION

# S. 4266

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

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IN THE SENATE OF THE UNITED STATES

MAY 7, 2024

Mr. ROMNEY (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend title 5, United States Code, to address telework for Federal employees, 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 “Back to Work Act of  
5 2024”.

6 **SEC. 2. TELEWORK.**

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

9 (1) in section 6502—

10 (A) in subsection (b)(2)—

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

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

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

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

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

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

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

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

1        appropriate by the head of the executive agency, includ-  
2        ing—

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

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

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

9                or

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

12                      “(A) the employee is a spouse of—

13                              “(i) a member of the Armed Forces;

14                      or

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

17                      “(B) the employee occupies a position—

18                              “(i) the duties of which require—

19                                      “(I) highly specialized expertise;

20                              or

21                                      “(II) frequent travel; or

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

24                      “(C) inclement weather or other exigent  
25                      circumstances prevent the employee from reach-

1           ing the worksite of the employee during a pay  
2           period.”; and

3           (2) in section 6506, by adding at the end the  
4           following:

5           “(e) EXECUTIVE AGENCY REPORTS.—

6                 “(1) IN GENERAL.—Not later than 1 year after  
7           the date of enactment of this subsection, and annu-  
8           ally thereafter, the head of each executive agency  
9           shall submit to the Committee on Homeland Secu-  
10          rity and Governmental Affairs of the Senate and the  
11          Committee on Oversight and Accountability of the  
12          House of Representatives a report that describes, for  
13          the period covered by the report, the following:

14                         “(A) What metrics and methods the execu-  
15                         tive agency uses to determine the productivity  
16                         of employees who telework.

17                         “(B) What barriers, if any, prevent the ex-  
18                         ecutive agency from enforcing the limitation  
19                         under section 6502(b)(2)(C) and any initiatives  
20                         of the executive agency to address those bar-  
21                         riers.

22                         “(C) Any negative effects of telework, in-  
23                         cluding whether telework results in increased  
24                         costs, security vulnerabilities, lower employee

1 morale, decreased employee productivity, or  
2 waste, fraud, or abuse.

3 “(D) Any actions taken by the executive  
4 agency (or a detailed justification for any lack  
5 of action) in response to any findings of, or rec-  
6 ommendations made by, the Inspector General  
7 of the executive agency with respect to telework.

8 “(2) GAO REPORT.—With respect to each re-  
9 port submitted by the head of an executive agency  
10 under paragraph (1), the Comptroller General of the  
11 United States shall submit an accompanying report  
12 that evaluates the accuracy and thoroughness of the  
13 report submitted by the head of the executive agency  
14 with respect to the matters required to be included  
15 in the report of the executive agency under that  
16 paragraph.”.

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

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