

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7951
OFFERED BY MS. HERRELL OF NEW MEXICO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Stopping Home Office
3 Work’s Unproductive Problems Act of 2022” or the
4 “SHOW Up Act of 2022”.

**5 SEC. 2. REINSTATEMENT OF PRE-PANDEMIC TELEWORK
6 POLICIES, PRACTICES, AND LEVELS FOR EX-
7 ECUTIVE AGENCIES.**

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

1 **SEC. 3. STUDY, PLAN, AND CERTIFICATION REGARDING EX-**
2 **ECUTIVE AGENCY TELEWORK POLICIES,**
3 **PRACTICES, AND LEVELS FOR EXECUTIVE**
4 **AGENCIES.**

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

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

13 (A) any adverse impacts of that expansion
14 on the agency's performance of its mission, in-
15 cluding the performance of customer service by
16 the agency;

17 (B) any costs to the agency during that ex-
18 pansion attributable to—

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

21 (ii) paying higher rates of locality pay
22 to teleworking employees as a result of in-
23 correctly classifying such employees as
24 teleworkers rather than remote workers;

25 (C) any degree to which the agency failed
26 during that expansion to provide teleworking

1 employees with secure network capacity, com-
2 munications tools, necessary and secure access
3 to appropriate agency data assets and Federal
4 records, and equipment sufficient to enable each
5 such employee to be fully productive;

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

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

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

15 (3) a certification by the Director that such
16 plan will—

17 (A) have a substantial positive effect on—

18 (i) the performance of the agency's
19 mission, including the performance of cus-
20 tomer service;

21 (ii) increasing the level of dispersal of
22 agency personnel throughout the Nation;
23 and

1 (iii) the reversal of any adverse im-
2 pact set forth pursuant to paragraph
3 (1)(D);

4 (B) substantially lower the agency's costs
5 of owning, leasing, or maintaining real prop-
6 erty;

7 (C) substantially lower the agency's costs
8 attributable to paying locality pay to agency
9 personnel working from locations outside the
10 pay locality of their position's official worksite;
11 and

12 (D) ensure that teleworking employees will
13 be provided with secure network capacity, com-
14 munications tools, necessary and secure access
15 to appropriate agency data assets and Federal
16 records, and equipment sufficient to enable each
17 such employee to be fully productive, without
18 substantially increasing the agency's overall
19 costs for secure network capacity, communica-
20 tions tools, and equipment.

21 (b) LIMITATION.—

22 (1) IN GENERAL.—An agency may not imple-
23 ment the plan submitted under subsection (a)(2) un-
24 less a certification by the Director was issued under
25 subsection (a)(3).

1 (2) SUBSEQUENT PLANS.—In the event an ini-
2 tial agency plan submitted under subsection (a)(2)
3 fails to receive such certification, the agency may
4 submit to the Director subsequent plans until such
5 certification is received, and submit such plan and
6 certification to Congress.

7 (c) DEFINITIONS.—In this Act—

8 (1) the term “agency” has the meaning given
9 the term “Executive agency” in section 105 of title
10 5, United States Code;

11 (2) the term “Director” means the Director of
12 the Office of Personnel Management;

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

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

Amend the title so as to read: “A bill to require Ex-
ecutive agencies to submit to Congress a study of the im-
pacts 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.”.

