

AMENDMENT TO
RULES COMMITTEE PRINT 118–11
OFFERED BY MR. PERRY OF PENNSYLVANIA

Strike section 802 and insert the following:

1 **SEC. 802. REINSTATEMENT OF PRE-PANDEMIC TELEWORK**
2 **POLICIES, PRACTICES, AND LEVELS FOR EX-**
3 **ECUTIVE AGENCIES.**

4 (a) **IN GENERAL.**—Not later than 30 days after the
5 date of enactment of this Act, the Administrator of the
6 Federal Aviation Administration shall reinstate and apply
7 the telework policies, practices, and levels of the agency
8 as in effect on December 31, 2019, and may not expand
9 any such policy, practices, or levels until the date on which
10 the Administration plan is submitted to Congress with a
11 certification by the Director of the Office of Personnel
12 Management under subsection (b).

13 (b) **STUDY, PLAN, AND CERTIFICATION REGARDING**
14 **EXECUTIVE AGENCY TELEWORK POLICIES, PRACTICES,**
15 **AND LEVELS FOR EXECUTIVE AGENCIES.**—Not later than
16 6 months after the date of enactment of this Act, the Ad-
17 ministrator, in consultation with the Director, shall submit
18 to Congress—

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

5 (A) any adverse impacts of that expansion
6 on the agency's performance of its mission, in-
7 cluding the performance of customer service by
8 the agency;

9 (B) any costs to the agency during that ex-
10 pansion attributable to—

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

13 (ii) paying higher rates of locality pay
14 to teleworking employees as a result of in-
15 correctly classifying such employees as
16 teleworkers rather than remote workers;

17 (C) any degree to which the agency failed
18 during that expansion to provide teleworking
19 employees with secure network capacity, com-
20 munications tools, necessary and secure access
21 to appropriate agency data assets and Federal
22 records, and equipment sufficient to enable each
23 such employee to be fully productive;

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

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

7 (2) the Administration plan to expand telework
8 policies, practices, or levels beyond those in place as
9 a result of subsection (a); and

10 (3) a certification by the Director that such
11 plan will—

12 (A) have a substantial positive effect on—

13 (i) the performance of the agency's
14 mission, including the performance of cus-
15 tomer service;

16 (ii) increasing the level of dispersal of
17 agency personnel throughout the Nation;
18 and

19 (iii) the reversal of any adverse im-
20 pact set forth pursuant to paragraph
21 (1)(D);

22 (B) substantially lower the agency's costs
23 of owning, leasing, or maintaining real prop-
24 erty;

1 (C) substantially lower the agency's costs
2 attributable to paying locality pay to agency
3 personnel working from locations outside the
4 pay locality of their position's official worksite;
5 and

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

15 (4) LIMITATION.—

16 (A) IN GENERAL.—The Administrator may
17 not implement the plan submitted under para-
18 graph (2) unless a certification by the Director
19 was issued under paragraph (3).

20 (B) SUBSEQUENT PLANS.—In the event an
21 initial agency plan submitted under paragraph
22 (2) fails to receive such certification, the agency
23 may submit to the Director subsequent plans
24 until such certification is received, and submit
25 such plan and certification to Congress.

1 (c) DEFINITIONS.—In this section—

2 (1) the term “agency” has the meaning given
3 the term “Executive agency” in section 105 of title
4 5, United States Code;

5 (2) the term “Director” means the Director of
6 the Office of Personnel Management;

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

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

