

119TH CONGRESS
1ST SESSION

S. _____

To require each Executive department to establish policies and collect information regarding teleworking employees of the Executive department, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require each Executive department to establish policies and collect information regarding teleworking employees of the Executive department, 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 “Requiring Effective
5 Management and Oversight of Teleworking Employees
6 Act” or the “REMOTE Act”.

7 **SEC. 2. UTILIZATION DATA AND REPORTING.**

8 (a) DEFINITIONS.—In this section:

1 (1) AGENCY OFFICE.—The term “agency of-
2 fice” means any office space—

3 (A) that is owned or leased by an Execu-
4 tive department; and

5 (B) in which not less than 1 employee of
6 the Executive department described in subpara-
7 graph (A), or a contract employee with respect
8 to that Executive department, regularly per-
9 forms the duties of that employee or contract
10 employee, as applicable.

11 (2) BUDGET JUSTIFICATION MATERIALS.—The
12 term “budget justification materials” has the mean-
13 ing given the term in section 3(b)(2)(A) of the Fed-
14 eral Funding Accountability and Transparency Act
15 of 2006 (31 U.S.C. 6101 note).

16 (3) COMPUTER NETWORK.—The term “com-
17 puter network” means software or a system—

18 (A) that is operated by or for an Executive
19 department; and

20 (B) to which an employee of the Executive
21 department described in subparagraph (A), or a
22 contract employee with respect to that Execu-
23 tive department, is required to be digitally con-
24 nected in order to work on behalf of that Exec-
25 utive department, such as to access the email

1 account, user account, or file systems provided
2 by the Executive department to that employee
3 or contract employee, as applicable.

4 (4) CONTRACT EMPLOYEE.—The term “con-
5 tract employee” means an individual who—

6 (A) is not an employee of an Executive de-
7 partment;

8 (B) is an employee of an entity that has
9 entered into a contract with an Executive de-
10 partment; and

11 (C) works pursuant to the contract de-
12 scribed in subparagraph (B).

13 (5) EXECUTIVE DEPARTMENT.—The term “Ex-
14 ecutive department” has the meaning given the term
15 in section 101 of title 5, United States Code.

16 (6) LOGIN.—The term “login” means the act
17 by which an employee of an Executive department,
18 or a contract employee with respect to an Executive
19 department, makes a digital connection to a com-
20 puter network with respect to that Executive depart-
21 ment.

22 (7) NETWORK TRAFFIC.—The term “network
23 traffic” means the volume and flow of data across
24 and within a computer network.

1 (8) TELEWORKING EMPLOYEE.—The term
2 “teleworking employee” means an employee of an
3 Executive department, or a contract employee with
4 respect to an Executive department, who is—

5 (A) working on behalf of the Executive de-
6 partment and not detailed to a different Fed-
7 eral entity; and

8 (B) covered by a telework agreement.

9 (9) WORKING REMOTELY.—The term “working
10 remotely” means, with respect to a teleworking em-
11 ployee, that the teleworking employee is performing
12 work duties on a computer while located physically
13 outside of an agency office with respect to the appli-
14 cable Executive department (or, with respect to a
15 contract employee, outside of office space owned or
16 leased by the entity that employs the contract em-
17 ployee).

18 (b) DATA COLLECTION.—The head of each Executive
19 department shall—

20 (1) not later than 180 days after the date of
21 enactment of this Act, establish—

22 (A) policies requiring the recording of the
23 login activity of, and the network traffic that is
24 generated by, each teleworking employee with
25 respect to that Executive department; and

1 (B) directives for managers of teleworking
2 employees with respect to that Executive de-
3 partment to periodically review the network
4 traffic generated by each such teleworking em-
5 ployee while that teleworking employee is work-
6 ing remotely; and

7 (2) not later than 1 year after the date of en-
8 actment of this Act—

9 (A) begin retaining the data described in
10 paragraph (1)(A), which shall include, with re-
11 spect to each teleworking employee with respect
12 to that Executive department who is working
13 remotely—

14 (i) the average number of logins made
15 each day by the teleworking employee;

16 (ii) the average daily duration of the
17 connection by the teleworking employee to
18 the applicable computer network; and

19 (iii) the network traffic that such tele-
20 working employee generates while working
21 remotely; and

22 (B) establish a policy that the Executive
23 department may dispose of data retained under
24 subparagraph (A) not sooner than 3 years after

1 the date on which the Executive department
2 collects the data.

3 (c) SWIPED DATA COLLECTION.—Beginning on the
4 date that is 180 days after the date of enactment of this
5 Act, the head of each Executive department, with respect
6 to each employee of the Executive department and each
7 contract employee with respect to the Executive depart-
8 ment who regularly performs the job duties of the em-
9 ployee or contract employee, as applicable, at the head-
10 quarters building of the Executive department—

11 (1) shall require that employee or contract em-
12 ployee to use a Personal Identity Verification Card
13 or Common Access Card, as applicable, to make a
14 login;

15 (2) shall collect login data by that employee or
16 contract employee using a Personal Identity
17 Verification Card or Common Access Card, as appli-
18 cable, which shall include, with respect to the em-
19 ployee or contract employee—

20 (A) the average number of logins made
21 each day by the employee or contract employee;

22 (B) the average daily duration of the con-
23 nection by the employee or contract employee to
24 the applicable computer network; and

1 (C) the network traffic that such employee
2 or contract employee generates while working
3 from the headquarters building;

4 (3) shall retain data collected under paragraph
5 (2); and

6 (4) may dispose of data retained under para-
7 graph (3) not sooner than 3 years after the date on
8 which the Executive department collects the data.

9 (d) REPORT.—With respect to the first fiscal year
10 that begins after the date that is 180 days after the date
11 of enactment of this Act, and with respect to each fiscal
12 year thereafter, the head of each Executive department
13 shall publish the data collected pursuant to subsections
14 (b)(2)(A) and (c)(2) in the budget justification materials
15 of the Executive department in a format that, for the ap-
16 plicable fiscal year—

17 (1) protects personally identifiable information;

18 (2) compares the average login rates of tele-
19 working employees working remotely on each week-
20 day to the total number of teleworking employees
21 approved to be working remotely on each weekday;
22 and

23 (3) compares the average login rates of tele-
24 working employees working remotely on each week-
25 day to the average login rates of employees working

1 from the headquarters building of the Executive de-
2 partment.

3 **SEC. 3. CHIEF HUMAN CAPITAL OFFICER REPORTS.**

4 Section 6506(d) of title 5, United States Code, is
5 amended—

6 (1) by amending paragraph (1) to read as fol-
7 lows:

8 “(1) IN GENERAL.—Each year, the Chief
9 Human Capital Officer of each executive agency, in
10 consultation with the Telework Managing Officer of
11 that agency, shall submit a report to the Chair and
12 Vice Chair of the Chief Human Capital Officers
13 Council on agency management efforts to promote
14 the efficient use of telework, which shall include a
15 description of the adverse effects of telework policy
16 on the performance of the executive agency, includ-
17 ing any increased incidences of disciplinary actions
18 against employees of the executive agency.”;

19 (2) by redesignating paragraph (2) as para-
20 graph (3); and

21 (3) by inserting after paragraph (1) the fol-
22 lowing:

23 “(2) COLLECTION AND RETENTION OF REL-
24 EVANT INFORMATION.—Not later than 60 days after
25 the date of enactment of the Requiring Effective

1 Management and Oversight of Teleworking Employ-
2 ees Act, the Chief Human Capital Officer of each
3 executive agency shall establish a policy that re-
4 quires any manager of an employee of the executive
5 agency who teleworks who revokes the privileges of
6 that employee to telework due to a reason specific to
7 that employee to provide written information to the
8 human capital office of that executive agency (which
9 shall retain that information for a reasonable
10 amount of time after the employee is no longer em-
11 ployed by the executive agency) and to the employee
12 regarding the circumstances giving rise to that rev-
13 ocation, which shall include—

14 “(A) the name, title, office, years of serv-
15 ice, official worksite, and annual rate of basic
16 pay of the employee;

17 “(B) the total number of days that the em-
18 ployee teleworked in the 6 work periods imme-
19 diately preceding the work period in which the
20 revocation occurred, which shall include an
21 itemized identification of each day on which
22 that employee teleworked during those 6 work
23 periods;

24 “(C) a brief narrative summary of the cir-
25 cumstances giving rise to the revocation, with

1 detail sufficient to confirm the propriety of the
2 revocation under the policies of the executive
3 agency; and

4 “(D) any steps the manager took to dis-
5 cipline the employee before carrying out the
6 revocation.”.