



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Oversight and Investigations Republican Members
From: Subcommittee on Oversight and Investigations Staff,
Michelle Lane (Michelle.Lane@mail.house.gov) and James Lundquist
(james.lundquist@mail.house.gov) x6-8747
Date: Thursday, January 18, 2024
Subject: Oversight Hearing on “*Reporting for Duty: Examining the Impacts of the Department of the Interior’s Remote and Telework Policies*”

The Subcommittee on Oversight and Investigations will hold the previously postponed November 16, 2023 oversight hearing titled “*Reporting for Duty: Examining the Impacts of the Department of the Interior’s Remote and Telework Policies*” on **Thursday, January 18, 2024, at 10:15 a.m. in 1334 Longworth House Office Building.**

Member offices are requested to notify Cross Thompson (Cross.Thompson@mail.house.gov) by 4:30 pm on Wednesday, January 17, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- The COVID-19 emergency is over—it is past time for all federal agencies, including the Department of the Interior (DOI), to return to appropriate, pre-pandemic levels of in-person work agency-wide.
- Although telework policies can be useful in certain circumstances, they should be limited across DOI agencies so that employees remain productive and present in the workplace.
- DOI staff will have higher levels of productivity, communication, personal accountability, self-motivation, and establish a stronger workplace culture by working together in person on a regular basis.
- House Republicans have proposed a solution to the in-person absenteeism of federal employees, the SHOW UP Act, which, among other directives, would return federal agencies to pre-pandemic levels of telework.

II. WITNESSES

- **Mr. Mark Green**, Deputy Assistant Secretary, Human Capital and Diversity and Chief Human Capital Officer, Department of the Interior, Washington, DC
- **Ms. Dawn G. Locke**, Director, Strategic Issues, Government Accountability Office, Washington, DC
- **The Honorable Shalanda Young**, Director, Office of Management and Budget, Washington, DC (invited, declined to testify)
- **The Honorable Kiran Ahuja**, Director, Office of Personnel Management, Washington, DC (invited, declined to testify)

III. BACKGROUND

Beginning in 2020 with the onset of the COVID-19 pandemic in the United States, private and public entities increasingly utilized telework and remote work across the nation. Federal agencies were not exempt from increased use of telework and remote work in adapting to the temporary challenges of COVID-19, including DOI.¹ Nearly four years later, COVID-19 no longer poses the same alleged threat to individuals in the workplace. However, DOI continues unnecessary telework and remote work policies without consideration for the general loss of productivity and other effects of working from home.²

Even the White House Is Urging a Return to the Workplace

Over the past year, the White House has urged federal agencies to reduce telework and remote work activities.³ On April 13, 2023, the Executive Office of the President and Office of Management and Budget (OMB) issued Memorandum M-23-15 for the Heads of Executive Departments and Agencies, titled *Measuring, Monitoring, and Improving Organizational Health and Organizational Performance in the Context of Evolving Agency Work Environments*.⁴ The memorandum directed agencies to, among other directives, update their Work Environment Plans to describe their “current policies for telework and related operational policies (e.g., work schedule design or use of supportive technologies for collaboration), and anticipated future changes” and to “ensure that all services, including public facing services, continue to meet and exceed customer expectations and needs.”⁵

Shortly after, on April 18, 2023, the Office of Personnel Management (OPM) issued a “Memorandum for Chief Human Capital Officers,” titled *Removal of the COVID-19 Governmentwide Operating Status*, which officially announced the removal of the COVID-19 Governmentwide operating status as of May 15, 2023.⁶ The memorandum stated that “COVID-

¹ *Telework & Remote Work*, DEP’T OF THE INTERIOR, <https://www.doi.gov/telework/remote-work> (last visited Nov. 6, 2023).

² *Id.*

³ Memorandum from Shalanda Young, Director, Office of Management and Budget, to the Heads of Executive Department and Agencies, *Measuring, Monitoring, and Improving Organizational Health and Organizational Performance in the Context of Evolving Agency Work Environments* (Apr. 13, 2023) <https://www.whitehouse.gov/wp-content/uploads/2023/04/M-23-15.pdf>.

⁴ *Id.*

⁵ *Id.*

⁶ Memorandum from Kiran Ahuja, Director, Office of Personnel Management, to Chief Human Capital Officers, *Removal of the COVID-19 Governmentwide Operating Status Announcement* (April 18, 2023),

19 is not driving decisions regarding how Federal agencies work and serve the public as it was at the outset of the pandemic.”⁷

Then on August 4, 2023, White House Chief of Staff Jeff Zients, in an email to President Biden’s cabinet officials, stated that the “agencies will be implementing increases in the amount of in-person work for your team. This is a priority of the President — and I am looking to each of you to aggressively execute this shift in September and October.”⁸

Clearly, federal agencies are not fulfilling previous directives if, several months later, the President’s Chief of Staff issues a strongly worded statement for agencies to comply with the Biden administration’s telework and remote work policies.

DOI Telework & Remote Work Policies

Although certain employees may have a legitimate reason to perform their work via a remote or telework option, many employees simply choose to do so due to DOI’s over-generous policies. In response to the above White House directives, DOI announced that “all telework-eligible senior executives, supervisors and managers in the National Capital Region will soon have to report in-person at least 50 percent of the time, starting Sept. 10.”⁹ Meanwhile, all non-supervisory, telework-eligible employees are still allowed to “remain on their current schedule of reporting to the office at least two days per pay period,” i.e. twice every two weeks.¹⁰

Remote work at DOI, “is an arrangement under which an employee is not expected to report to an agency worksite on a regular and recurring basis.”¹¹ Therefore, remote working employees are not required to be in the workplace, as their official duty station is likely their home.¹² Unlike the changes with telework, the remote work policy for DOI remains unchanged despite the push from the administration to return to the workplace and it is unclear whether DOI has any plans in place for phasing remote workers back into the workplace.

The reality remains that non-supervisory, telework-eligible employees across the DOI’s agencies are only required to be in the office two days every two weeks, and telework-eligible senior executives, supervisors and managers in the National Capital Region are only required to be in the office 50 percent of the time.

Alarming, it is unclear what percentage of DOI still utilizes telework or remote work, as the Biden administration has been unable to collect significant data on telework.¹³ On

https://chcoc.gov/sites/default/files/Memorandum%20on%20Removal%20of%20COVID-19%20Operating%20Status%20Announcement_508.pdf.

⁷ *Id.*

⁸ Alex Thompson, *Scoop: Biden pushes to end remote work era for feds*, AXIOS (Aug. 4, 2023), <https://www.axios.com/2023/08/04/biden-end-remote-work-federal-employees>.

⁹ Pete Musurlian, *Interior Dept reduces telework for executives, supervisors, managers*, FEDERAL NEWS NETWORK (Aug. 3, 2023), <https://federalnewsnetwork.com/federal-newscast/2023/08/interior-dept-reduces-telework-for-executives-supervisors-managers/>.

¹⁰ *Id.*

¹¹ *Telework & Remote work*, *supra* note 1.

¹² Office of Human Capital, *Departmental Remote Work Policy Personnel Bulletin 20-06 Frequently Asked Questions*, DEP’T OF THE INTERIOR, <https://www.doi.gov/sites/doi.gov/files/pb-20-06-remote-work-faq.pdf> (last visited Nov. 6, 2023).

¹³ U.S. Gov’t Accountability Off., GAO-22-104282, *Federal Telework Increased during the Pandemic, but More Reliable Data Are Needed to Support Oversight* (2022), <https://www.gao.gov/assets/gao-22-104282.pdf>.

February 8, 2022, the Government Accountability Office (GAO) released a report, *COVID-19 Federal Telework Increased during the Pandemic, but More Reliable Data Are Needed to Support Oversight* (GAO-22-104282), which concluded that OPM made limited progress on collecting data on federal telework.¹⁴ OPM has so far publicly released data on telework only up to Fiscal Year 2021.¹⁵

Additionally, DOI was unable to provide data to GAO for the aforementioned GAO-22-104282 report. Specifically, DOI was unable to provide data for (a) the proportion of work time spent in telework status, and (b) the use of full-time telework among teleworking employees.¹⁶ The report provided a recommendation to Congress to “consider requiring OPM to develop an implementation plan to improve the reliability of information in its federal payroll data system, Enterprise Human Resources Integration, including telework information.”¹⁷

OPM recognizes the need for better data collection regarding telework for federal agencies.¹⁸ On October 4, 2023, OPM issued a memorandum, *Agency Telework and Remote Work Data Reporting in the Office of Personnel Management Enterprise Human Resources Integration (EHRI) System*,¹⁹ that reminded agencies they are “required to report on employee remote work and telework agreements”²⁰ using the EHRI System, as described in a previous Memorandum from March 7, 2023, *Remote/Telework Enhancements to Enterprise Human Resources Integration Data Files*.²¹

Services for the American Public are Negatively Affected by Permissive Remote and Telework Policies

In July 2023, the Stanford Institute for Economic Policy Research released a study, *The Evolution of Working from Home*, which examined the numerous problems with working from home.²² The study found that fully remote work is associated with approximately “10% lower productivity than fully in-person work.”²³ The reasons for such a dramatic dip in productivity

¹⁴ *Id.*

¹⁵ *Status of Telework in the Federal Government Report to Congress Fiscal Year 2021*, OFFICE OF PERSONNEL MANAGEMENT (December 2022), <https://www.opm.gov/telework/documents-for-telework/2021-telework-report.pdf>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Memorandum from Kiran Ahuja, Director, Office of Personnel Management, to the President’s Management Council and Chief Human Capital Officers, *Agency Telework and Remote Work Data Reporting in the Office of Personnel Management Enterprise Human Resources Integration (EHRI) System* (Oct. 4, 2023), <https://chcoc.gov/sites/default/files/Agency%20Telework%20and%20Remote%20Work%20Data%20Reporting%20in%20the%20Office%20of%20Personnel%20Management%20Enterprise%20Human%20Resources%20Integration%20%28EHRI%29%20System.pdf>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Memorandum from Kiran Ahuja, Director, Office of Personnel Management, to Heads of Executive Departments and Agencies, *Remote/Telework Enhancements to Enterprise Human Resources Integration Data Files* (Mar. 7, 2023), <https://chcoc.gov/content/remotetelework-enhancements-enterprise-human-resources-integration-data-files>.

²² Jose Maria Berrero et al., *The Evolution of Working from Home*, Stanford Institute for Economic Policy Research (July 2023), <https://drive.google.com/file/d/1kqbngD8pemqxAkZmWCOQ32Yk6PXK9eVA/view?pli=1>.

²³ *Id.*

includes “challenges with communicating remotely, barriers to mentoring, building culture and issues with self-motivation.”²⁴

Numerous other studies have observed similar outcomes with the over-utilization of telework and remote work. The National Bureau of Economic Research released a report in July 2023, *Working from Home, Worker Sorting and Development*, which found that “the productivity of workers randomly assigned to working from home is 18% lower than those in the office.”²⁵

DOI agencies have demonstrated that, despite additional funding from Congress in recent years, they are struggling to deliver services for Americans.²⁶ Meanwhile, enhanced telework policies have further “hindered the federal government’s ability to provide basic services to the American people and created extensive backlogs.”²⁷ Returning employees more regularly to the workplace can improve productivity, and assist agencies with providing services to Americans.

For example, in October 2023, GAO issued a report, *Bureau of Indian Affairs Should Take Additional Steps to Improve Timely Delivery of Real Estate Services*, detailing how the Bureau of Indian Affairs (BIA) struggled recently to meet regulatory and internal deadlines for providing real estate services to Tribes and tribal citizens.²⁸ The report found that the BIA is only able to approve or disapprove a completed application within the 20-day window from receipt 72 percent of the time.²⁹ Surveyed Tribes and tribal-serving organizations also raised concerns about BIA’s lengthy processing times for applications that can “adversely affect applicants and may disincentivize lending or investment on tribal lands.”³⁰ Additionally, BIA’s communication regarding the status of applications and other real estate matters can be “untimely, unclear, or inconsistent—leading to frustration, delays, or other negative outcomes.”³¹

On November 2, 2023, DOI’s Office of the Inspector General (OIG) released a report, *Summarizing the Major Management and Performance Challenges Facing the U.S. Department of the Interior*, which identified further issues with BIA including that “BIA is not actively managing the closeout process for agreements issued under the Indian Self-Determination and Education Assistance Act.”³² According to its most recent report, 183 agreements remained open, accounting for \$5 million in unused funds.³³ The report also identified health and safety

²⁴ *Id.*

²⁵ David Atkin et al., *Working from Home, Worker Sorting and Development*, NATIONAL BUREAU OF ECONOMIC RESEARCH (July 2023), <https://www.nber.org/papers/w31515>.

²⁶ Office of the Inspector General, Report No.: 2023-ER-12, *Summarizing the Major Management and Performance Challenges Facing the U.S. Department of the Interior Fiscal Year 2023* (November 2023).

²⁷ *Hearing Wrap Up: Waste and Mismanagement at OPM is Reducing Services and Raising Costs for Taxpayers*, House Committee on Oversight and Accountability (Mar. 9, 2023), <https://oversight.house.gov/release/opm-has-failed-american-taxpayers-and-needs-to-ensure-prompt-service-to-all-americans%EF%BF%BC/>.

²⁸ U.S. Gov’t Accountability Off., GAO-24-105875, *Bureau of Indian Affairs Should Take Additional Steps to Improve Timely Delivery of Real Estate Services* (Oct. 2023), <https://www.gao.gov/assets/d24105875.pdf>.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Summarizing the Major Management*, *supra* note 26.

³³ *Id.*

issues at Indian schools and detention facilities, and deficiencies with comprehensive national data on Indigenous women reported missing.³⁴

Another example of how DOI's permissive telework and remote work policies betray the American taxpayer is the massive, deferred maintenance backlog at the National Park Service (NPS). The NPS deferred maintenance backlog has ballooned to \$22.3 billion, a \$9.6 billion increase since the passage of the Great American Outdoors Act³⁵ in 2020.³⁶ On September 13, 2023, the OIG released an evaluation report, *The National Park Service Faces Challenges in Managing Its Deferred Maintenance*, which found that the "NPS was unable to effectively identify and manage its deferred maintenance due to inaccurate and unreliable data."³⁷

The study also found delayed response times for addressing critical Health, Life, and Safety (HLS) work orders, which address immediate danger to life, health, property, or infrastructure, as NPS does not have "an established process in place to monitor the ongoing status of critical HLS work orders."³⁸ NPS, BIA, and other DOI agencies have significant outstanding work, and must make improvements to effectively provide services to Americans—a return to the workplace is appropriate to assist the agencies in these efforts.

Telework and Remote Work Policies Have a Disastrous Impact on D.C.'s Economy

Additionally, remote work and telework is hurting Washington D.C.'s economy, which has never recovered from the effects of the pandemic.³⁹ D.C. businesses are suffering due to federal workers remaining in telework and remote work status.⁴⁰ Approximately 15% of U.S. workers across the country worked from home in 2022—however, 25.4% of workers in D.C. worked from home in 2022, well above the national average.⁴¹ D.C. Mayor Muriel Bowser, during her swearing-in to office in January 2023, delivered an inaugural address⁴² that pleaded with the Biden administration to get federal workers back in the workplace, stating:

The federal government represents one quarter of D.C.'s pre-pandemic jobs and owns or leases one third of D.C.'s office space. We need decisive action by the White House to

³⁴ *Id.*

³⁵ The Great American Outdoors Act, Pub. L. No. 116–152, <https://www.govinfo.gov/content/pkg/PLAW-116publ152/pdf/PLAW-116publ152.pdf>.

³⁶ *DOI Deferred Maintenance and Repairs by Asset Class As Reported in the Agency Financial Report, FY 2020 and FY 2021*, DEP'T OF THE INTERIOR (2021), https://naturalresources.house.gov/uploadedfiles/doi_fy2021_deferred_maintenance_backlog_as_reported_in_the_af_r_and_comparison_to_fy2020.pdf.

³⁷ Office of the Inspector General, Report No.: 2020–CR–066, *The National Park Service Faces Challenges in Managing Its Deferred Maintenance* (Sep. 13, 2023), https://www.doioig.gov/sites/default/files/2021-migration/Final%20Evaluation%20Report_NPS%20Deferred%20Maintenance_Public.pdf.

³⁸ *Id.*

³⁹ Eliza Relman, *Remote work has made downtown DC a ghost town as federal office buildings sit mostly empty*, BUSINESS INSIDER (July 18, 2023), <https://www.businessinsider.com/federal-workers-staying-home-remote-work-crushing-washington-dc-downtown-2023-7>.

⁴⁰ Michael Shaffer, *D.C. Mayor to Biden: Your Teleworking Employees Are Killing My City*, POLITICO (Jan. 20, 2023), <https://www.politico.com/news/magazine/2023/01/20/bowser-biden-federal-workers-washington-dc-00078677>.

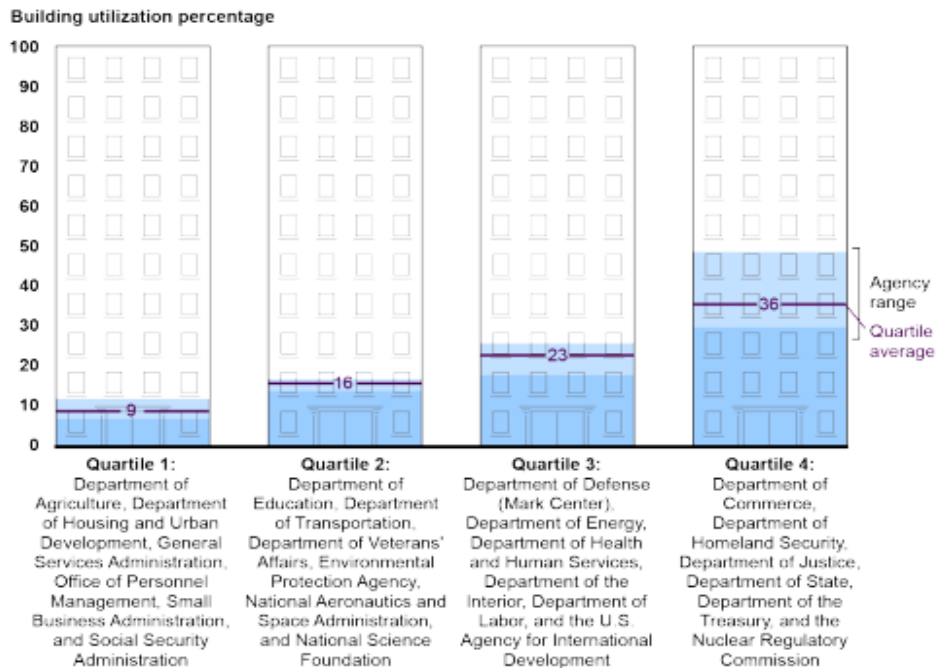
⁴¹ Cuneyt Dil, *Remote work declines from pandemic peak in the D.C. area*, AXIOS DC (Sep. 25, 2023), <https://www.axios.com/local/washington-dc/2023/09/25/remote-work-dc-pandemic>.

⁴² *Mayor Bowser Sworn in for Historic Third Term, Delivers Third Inaugural Address*, DC.gov (Jan. 2, 2023), <https://dc.gov/release/mayor-bowser-sworn-historic-third-term-delivers-third-inaugural-address>.

either get most federal workers back to the office most of the time or to realign their vast property holdings for use by the local government, by non-profits, by businesses and by any user willing to revitalize it.⁴³

On July 13, 2023, GAO submitted testimony, *Preliminary Results Show Federal Buildings Remain Underutilized Due to Longstanding Challenges and Increased Telework*, to the Subcommittee on Economic Development, Public Buildings, and Emergency Management, Committee on Transportation and Infrastructure, which examined the financial and environmental costs of underutilized federal office space.⁴⁴ The testimony described how “seventeen of the 24 federal agencies in GAO’s review used an estimated average 25 percent or less of their headquarters buildings’ capacity within the sample period.”⁴⁵ Additionally, federal agencies spend about \$2 billion per year to operate and maintain their office buildings regardless of the buildings’ utilization, and \$5 billion annually to lease these office buildings.⁴⁶ On October 26, 2023, released the full report, *Federal Real Property: Agencies Need New Benchmarks to Measure and Shed Underutilized Space* (GAO Real Property Report), which confirmed and expanded on July’s preliminary results showing massive underutilization of federal buildings.⁴⁷

Figure 2: Estimated Weekly Averages of Utilization of Federal Headquarters Buildings across a 3-Week Sample (One Week in Each of January, February, and March 2023), by Quartile



Source: GAO analysis of data from 24 federal agencies; GAO (illustrations). | GAO-24-107006

⁴³ *Id.*

⁴⁴ U.S. Gov’t Accountability Off., GAO-23-106200, *Preliminary Results Show Federal Buildings Remain Underutilized Due to Longstanding Challenges and Increased Telework* (July 13, 2023), <https://www.gao.gov/assets/gao-23-106200.pdf>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ U.S. Gov’t Accountability Off., GAO-24-107006, *Federal Real Property: Agencies Need New Benchmarks to Measure and Shed Underutilized Space* (Oct. 26, 2023), <https://www.gao.gov/products/gao-24-107006>.

The GAO Federal Real Property Report identified three primary causes for the low space utilization in federal headquarter buildings:

- (1) Excess space is a long-standing challenge that pre-dated the pandemic,
- (2) Building configurations do not support a modern workforce, and
- (3) Agencies have increased telework.⁴⁸

Indeed, all 24 federal agencies covered in the report stated that “in-office workforce has not returned to pre-pandemic levels due to increased use of telework and remote work.”⁴⁹ The GAO also noted that a lack of consistent benchmarks for how agencies should measure utilization rates in an increased telework environment contributes to data collection issues for utilization rates.⁵⁰ Ultimately, the GAO recommended that the Deputy Director of OMB, as Chair of the Federal Real Property Council, should lead the development and use of benchmarks for measuring building utilization that accounts for greater levels of telework.⁵¹

Congressional Action to Address the Telework and Remote Work Crisis

On May 18, 2023, Representative James Comer, Chairman of the House Committee on Oversight and Accountability, sent letters to 25 federal agencies to conduct oversight over abuse of telework and remote work rates and policies.⁵² Chair Comer’s oversight activity was necessary because the Biden administration has not been forthcoming in providing comprehensive data for federal workers in telework and remote work status.⁵³ After receiving insufficient responses from each agency, the Committee on Oversight and Accountability started holding hearings to examine each agency’s responses and telework policies.⁵⁴ Chairman Comer also sent a letter to White House Chief of Staff Jeffrey Zients requesting information to better understand the administration’s post-pandemic telework policy and the reasoning behind the administration’s rapidly evolving telework posture.⁵⁵

Chair Comer put forth a solution to the abuse of telework and remote work policies and the lack of data on employee work status with H.R. 139, the Stopping Home Office Work’s Unproductive Problems (SHOW) Act of 2023, introduced on January 9, 2023.⁵⁶ The legislation directs “federal agencies to return to 2019 pre-pandemic telework levels within 30 days,” and to submit studies to Congress detailing how increased teleworking levels during the pandemic impacted their missions, specifically “adverse effects on customer service, network security, and

⁴⁸ *Id.* at 10.

⁴⁹ *Id.*

⁵⁰ *Id.* at 15.

⁵¹ *Id.* at 17.

⁵² Letter from House Committee on Oversight and Accountability to Debra Haaland, Secretary, Dep’t of the Interior (May 18, 2023), <https://oversight.house.gov/wp-content/uploads/2023/05/2023-05-18-letter-to-agencies-re-telework12.pdf>.

⁵³ *Federal Telework Increased*, *supra* note 13.

⁵⁴ Drew Friedman, *4 agencies answer House Oversight Committee’s calls for deeper federal telework data*, FEDERAL NEWS NETWORK (Sep. 15, 2023), <http://federalnewsnetwork.com/workforce/2023/09/4-agencies-answer-house-oversight-committees-calls-for-deeper-federal-telework-data/>.

⁵⁵ Letter from House Committee for Oversight and Accountability, to Jeffrey Zients, Chief of Staff, The White House (Aug. 31, 2023), <https://oversight.house.gov/wp-content/uploads/2023/08/2023-8-31-JC-PS-LB-Letter-to-Jeff-Zients-re-Telework.pdf>.

⁵⁶ Stopping Home Office Work’s Unproductive Problems Act of 2023, H.R. 139, 188th Cong. (2023).

costs for real property and locality pay.”⁵⁷ The legislation also requires a federal agency to submit a telework plan that is certified by OPM to Congress before permanently expanding telework.⁵⁸ On February 1, 2023, the House passed H.R. 139 by a vote of 221-206, with only three Democrat representative voting for the legislation.⁵⁹ The Senate has not taken up H.R. 139 for a vote.

IV. CONCLUSION

The COVID-19 emergency is over—it is past time for all federal agencies, including DOI, to return to appropriate, pre-pandemic levels of in-person work agency-wide. Despite directives issued by the Biden administration to get federal workers back in the office, and evidence indicating that telework and remote work activities reduce productivity and increase costs for the American public, DOI has not taken significant action to get employees back in the office. DOI is still not operating at pre-pandemic levels of telework and remote work. The Biden administration should work with Congress to address this issue and return federal workers to the workplace so DOI can focus on delivering for the American people.

⁵⁷ House Committee on Oversight and Reform, The SHOW UP Act (“Stopping Home Office Work’s Unproductive Problems Act of 2022”), <https://oversight.house.gov/wp-content/uploads/2022/05/Show-Up-Act-One-Page92.pdf>.

⁵⁸ *Id.*

⁵⁹ Scott McFarlane & Gillian Morley, *House to vote on plan to end telework for hundreds of thousands of federal workers*, CBS NEWS (Jan. 31, 2023) <https://www.cbsnews.com/news/house-of-representatives-vote-ending-telework-for-federal-employees/>.