

To

U.S. Taxpayers

From

Senator Joni Ernst

Out of Office

Bureaucrats on the beach and in bubble baths
but not in office buildings



Send



2024

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Executive Summary

Bureaucrats Are Playing Hide-and-Seek

Bureaucrats have been found in a bubble bath, on the golf course, running their own business, and even getting busted doing crime while on taxpayers' time. Members of President Biden's own cabinet claimed to be on the clock while being out of office and unreachable.

Just three percent of the federal workforce teleworked daily prior to the COVID-19 pandemic. Today, six percent of workers report in-person on a full-time basis, while nearly one-third are entirely remote.

Most federal employees are eligible to telework and 90 percent of those are. Some come to the office as infrequently as once a week.

The Biden administration redacted the locations of over 281,000 rank-and-file federal employees.

Services Suffer as Taxpayers are Put on Hold by Bureaucrats Phoning It in

Service backlogs and delays, unanswered phone calls and emails, and no-show appointments are harming the health, lives, and aspirations of Americans.

Thousands of calls from veterans seeking mental health care go unanswered. Remote work may be partly responsible for the recent baby formula crisis. Small businesses, students, and other taxpayers seeking assistance are instead getting sent to voicemail.

Public Employees Padding Their Paychecks by Avoiding the Office

Some bureaucrats are claiming to be working in areas with higher pay rates while actually living elsewhere.

My audits are finding as many as 23 to 68 percent of teleworking employees for some agencies are boosting their salaries by receiving incorrect locality pay.

Some employees live more than 2,000 miles away from their office and one "temporary" teleworker collected higher locality pay *for nearly a decade*.

Maintaining Abandoned Government Buildings Costs Billions of Dollars

Not a single headquarters of a major agency or department in the nation's capital is even half full. Government buildings average an occupancy rate of 12 percent.

Maintaining and leasing government office buildings costs \$8 billion every year. Another \$7.7 billion is spent for the energy to keep them running.

Billions more are spent buying brand new furnishings for the abandoned offices. The government also owns 7,697 vacant buildings and another 2,265 that are partially empty. An additional \$14 million is being spent leasing underutilized space and nearly \$1 million more for its maintenance.

Union Members Demand the Right to Stay Home

Federal employee unions believe their collective bargaining agreements cannot be overridden by presidential directives. Unions are filing lawsuits and grievances opposing efforts to return government employees to the office.

Apparently, the president of a public employees union, not the President of the United States, is currently deciding personnel policy for the U.S government.

Make Telework Work for Taxpayers

Drain the swamp by relocating Washington's workforce. Moving those making the rules closer to those who live under them will benefit all Americans. More than 29,000 federal employees are relocated each year. Most government managers say the reassignments achieve cost savings and are effective for skills development.

Downsize the federal government by implementing a "use it or lose it" approach to government real estate. Allow unnecessary leases to expire and auction off unused office space. Consolidate offices to ensure maximum space utilization.

If, whether, and how often each employee is allowed to telework must be determined by that employee's individual performance. Effective management means ending blanket teleworking determinations and tracking each employee's performance and place of work.

Knowing and showing where employees are prevents fraudulent paycheck padding and increases accountability. Employees' locations and work product can be monitored via virtual private networks (VPNs), office swipe-ins, and network traffic. Tracking employees' locations and work products—like the private sector does—can identify poor performers and improve management.

If bureaucrats don't want to return to work, make their wish come true.

Out of Office Bounceback

“Out of the office” is taking on a whole new meaning in the nation’s capital since most government employees are rarely in the office.

Just three percent of the federal workforce teleworked on a daily basis before the COVID-19 pandemic.¹ Today, the temporary pandemic-era practice is a presumed public employee perk. Six percent report in-person on a full-time basis while nearly a third of the government workforce is entirely remote.²

President Biden is setting the example. He was out of office 532 days over the last three-and-a-half years, about 40 percent of the time he was expected to be in the Oval Office.³ While Hurricane Helene was leaving a path of destruction across the southeast United States, the president was once again at the beach in Delaware and the vice president was also out of town collecting campaign cash in California.⁴

And since no one’s home at the White House, the bureaucrats are setting their own schedules.

As a result, the nation’s capital is a ghost town, with government buildings averaging an occupancy rate of 12 percent.⁵

If federal employees can’t be found at their desks, exactly where are they?

I tried tracking them down with the help of the non-profit transparency group Open the Books. But it became a game of bureaucrat hide-and-seek, with the Biden Administration redacting the work locations of over 281,000 rank-and-file federal employees.⁶

Some Americans are literally getting sick of employees not showing up to do their jobs.

Babies may be harmed because a whistleblower complaint was left unread by the Food and Drug Administration. Warnings about unsanitary conditions at a baby formula factory linked to the deaths emailed and FedExed to the agency were ignored for months as the problem grew worse.⁷ The FDA says the oversight was “likely due to COVID-19 staffing issues.”⁸ A similar tragedy could occur any day because a massive backlog of inspections piled up after the agency curtailed on-site reviews of food and drug manufacturing facilities during the pandemic that persists to this day.⁹

Getting government employees to even answer their office phones is a challenge.

The pleas from students calling for help with financial aid forms¹⁰ and small businesses seeking disaster assistance¹¹ are going straight to voicemail.

Folks in Iowa caring for the disadvantaged contacted me frustrated by the lack of responsiveness from the local Social Security Administration office where employees telework several days a week. Months passed before receiving replies to simple questions, causing significant delays serving the elderly and disabled. The desperate situation threatened to put the caregivers out of business¹² and was only resolved after I personally intervened and discussed the matter face-to-face with the administrator.

But perhaps most disturbing, thousands of calls from veterans seeking mental health care went unanswered and therapists didn't even show up for their appointments with veterans at an Atlanta VA.¹³ Meanwhile, a manager responsible for overseeing the scheduling of veterans' appointments in Atlanta dialed into a meeting from a bubble bath—and even posted a selfie on social media soaking in the tub with the caption, “my office for the next hour.”¹⁴

Instead of pulling the plug on these “bubble bath bureaucrats,” taxpayer dollars keep going down the drain paying their salaries and maintaining their empty offices.

Over the past two years, I've sent over 100 oversight letters to departments and agencies requesting documents and audits. At my request, 14 inspector general investigations are ongoing or completed. This report reflects the initial findings from my continuing oversight efforts into telework abuse along with recommendations for better managing the federal workforce to ensure our government is working for the people first and foremost.

Being out of office isn't just a dereliction of duty.

Taxpayers are being ripped off. Some bureaucrats are padding their paychecks by claiming to be working in areas with higher pay rates while actually living elsewhere. My audits are finding as many as 23 to 68 percent of teleworking employees for some agencies are boosting their salaries by receiving incorrect locality pay.¹⁵ This is fraud, folks. Additionally, billions of dollars are being spent heating, cooling, and maintaining largely empty buildings. Billions more is being wasted on new office furniture. Meanwhile, getting rid of just 23 of the government's many underutilized buildings and properties will save taxpayers more than \$1 billion.¹⁶ This is a small fraction of potential savings if other unused space was sold off.

Veterans, seniors, families, students, small business owners, and others are being harmed. The VA, SSA, FDA, and other agencies exist to serve Americans. A veteran who put their life on the line protecting our nation deserves respect. A senior who lived a lifetime, raising a family, working, and paying taxes, should be honored, not forgotten, in retirement. A student pursuing an education and a dream should be not ignored but rather encouraged to succeed. Too frequently that is not happening. Public service is a public trust and right now trust in our public institutions is hitting rock bottom.

Festering health hazards endanger the civil servants and visitors who are showing up. Dangerous contaminants are collecting in stagnant water caused by reduced building occupancy. Several employees who work in federal buildings have been diagnosed with Legionnaires' Disease¹⁷ and the potentially deadly bacteria is being found in underutilized government buildings across the country.¹⁸ Unsafe levels of lead and copper are being detected in the drinking water in child care centers located in government buildings.¹⁹ It's safer to drink water out of the tap in Flint, Michigan today than from the faucets in many federal buildings!²⁰

AWOL leadership creates national security risks. While American citizens were being held hostage by terrorists and wars were escalating in Europe and the Middle East, the commander-in-chief, the Secretary of Defense, and the de facto head of the Pentagon were all missing in action at the same time this past year.²¹ The defense of our nation isn't a part-time job and cannot be conducted while relaxing on a beach.

Americans are being put on hold by bureaucrats who are phoning it in. Our government is supposed to be of the people, by the people, *for the people*. Our citizens are taxed way too

much to pay the salaries of government employees who don't seem to understand or care who they work for.

My office keeps answering the calls from veterans, students, small business owners, taxpayers, and even federal employees frustrated by Washington's out of office attitude.

Growing up on a farm, I know what working from home really means. But in Washington, working from home apparently means having a field day. If bureaucrats want to be out of the office so badly, we can make that wish come true by putting them out to pasture for good.

The most basic expectation for public service is being available and responsive to citizens. If showing up is half the battle, many in the federal workforce are in full retreat. It is not fair when slackers are allowed to tarnish the reputations of the hardworking public servants who are showing up and answering the call of duty.

This report provides insights and recommendations to make telework work for taxpayers, not just bureaucrats.

Bureaucrat Hide-and-Seek

The President Doesn't Even Know Where His Own Staff Is

When I was making the biscuits at Hardee's, I clocked in every morning. At the end of my shift, I clocked out. If I didn't show up, the biscuits wouldn't be made, and I wouldn't be paid. Plain and simple.

There is no such accountability today for the federal workforce.

Over half of federal employees are telework-eligible, and nearly 90 percent of those are teleworking.²² But no one is checking to make sure everyone made it to work or even logged on to their computer. Backlogs for services are typical and accountability is rare.

It took years to fire a senior IRS employee who routinely abused his remote work arrangement by playing golf during the workday for nearly a decade. Legal appeals by the "golf ball bureaucrat" dragged on for many years before the court finally ruled firing someone for taking tee time on the taxpayers' dime is par for the course.²³

Should it really take a decade to resolve a single case that should have been an easy hole-in-one?

There are over two million civilian employees sprawled across countless departments and agencies.²⁴ With being away from the office now the expectation for most government employees, monitoring telework abuse is even more challenging. That is, if anyone is even bothering to track time being spent in the office or working from a designated telework location during the duty day.

The Office of Personnel Management (OPM) oversees personnel policy for the federal government's workforce, or at least it's supposed to. But the Biden/Harris OPM is delegating this duty, saying "agencies are responsible" for making their own telework decisions, including determining employees' official worksites,²⁵ proper locality pay,²⁶ the number of days per pay period an employee may be permitted to work remotely,²⁷ and all other major components of telework policy.²⁸

Agencies, in turn, are delegating responsibility for tracking, recording, and holding teleworking employees accountable to supervisors and managers.

Since the missions of each agency and office differ, telework practices could vary. Some jobs may be almost entirely in the field. Others can be performed anywhere. But many require a physical presence. It should be relatively easy to look at a job description and determine if remote work, telework, or in-office work makes sense. Likewise, if an employee isn't meeting performance goals, telework is not appropriate and more face-to-face management may be required to achieve better results.

However, agencies are not tracking telework in the same way or collecting the same data. Teleworking employees' productivity is also not being tracked in any comprehensive way. This lack of information, transparency, and curiosity is undermining the ability to make meaningful,

broader decisions and comparisons about workforce management policy and workspace needs.

While maximum telework policy was implemented as a temporary measure to slow the spread of COVID-19 and protect the health of federal employees, nearly five years have passed and the emergency is over. The world has changed as a result of that experience and all employers are adapting, except the federal government.

Washington is still operating as if it's March 2020. The headquarters of most agencies remain largely abandoned. Government employees are scattered and often unreachable—including members of the president's cabinet and other agency heads!

Defense Secretary Lloyd Austin, his Deputy Kathleen Hicks, General Services Administrator Robin Carnahan, and Transportation Secretary Pete Buttigieg all claimed to be on the clock while being out of office and unreachable.

- Secretary Austin didn't inform the president, the national security advisor, or other White House officials when he was hospitalized for days;²⁹
- Deputy Secretary Hicks ran the Pentagon while on a beach vacation in Puerto Rico;³⁰
- Secretary Buttigieg claimed to be online 24/7 while on paternity leave, but declined phone calls and meetings with Members of Congress of both parties;³¹ and
- Administrator Carnahan largely works from home in Missouri, not from her D.C. office.³²

These absences are negatively impacting agency performance and morale as even employees within the agencies are frustrated by the unresponsiveness of their own managers and colleagues.

A whistleblower who is a current supervisor within the U.S. Department of Agriculture (USDA) informs me "the vast majority of USDA employees are not working in person. On the occasions I have gone to USDA headquarters in Washington, D.C., it resembles a ghost town. Hallways are mostly empty, and offices are unoccupied."³³ This whistleblower says, "remote work and telework employees are often unreachable and do not respond to simple email questions for hours. This leads to inefficiency in completing tasks in a timely manner and to delays in clearing documents and reports due to the inability to reach colleagues."³⁴

This should come as no surprise since "all USDA employees, regardless of tenure, grade, job series, title, or supervisory designation are presumed eligible for telework."³⁵

An Iowan who worked for the USDA Food Safety and Inspection Service tells me his former colleagues describe working from home as, "like being on vacation. Very little work was assigned and all they had to do was be available by phone."³⁶

USDA Secretary Tom Vilsack pushed back when I questioned him about these claims when he testified before the Senate Committee on Agriculture, Nutrition, and Forestry. The Secretary claimed D.C.-based managers and employees are required to physically be in the office "a majority of the week," and, when asked for clarification, he said he meant three-to-four days per week.³⁷ However, public reporting indicates telework-eligible managers and supervisors at the USDA's D.C. headquarters have been required to be in the office five days per two-week pay period—which is less than three days a week—since September 10, 2023.³⁸

Secretary Vilsack also took issue with findings from the Government Accountability Office (GAO) that nearly 90 percent of the office space in USDA's headquarters is sitting idle and unused.³⁹

Secretary Vilsack said that calculation is “not even close to correct” and these numbers do not reflect “what is happening.”⁴⁰ A separate analysis by the Public Buildings Reform Board, however, confirmed GAO’s estimates, finding a mere six percent of the office space at USDA is currently being used.⁴¹

When a Department of Veterans Affairs (VA) manager posted a picture of himself “working” from a bubble bath on social media, his frustrated coworkers became whistleblowers. One of which stated, “If you think that this is not a big deal then what is a big deal? Is it a big deal when a veteran dies?”⁴² That’s right, the employees of the agency turned in their own manager for abusing telework.

The failure of managers to set the right example and properly monitor teleworkers creates an “anything goes” attitude with other employees.

More than 90 percent of the employees at the Department of Housing and Urban Development (HUD) regularly work from home and are not required to come to the office more than one day a week.⁴³

A whistleblower who contacted my office is frustrated that HUD telework flexibilities are so lax, some employees engage in personal activities—even drinking and then driving intoxicated—while on taxpayer-funded time. This whistleblower claims first-hand knowledge that a long-time employee of the department⁴⁴ and the former president of the American Federation of Government Employees Local 3138⁴⁵ was allegedly arrested for driving under the influence of alcohol during the workday. She allegedly claimed she was engaged in taxpayer-funded union activities⁴⁶ while being held at a county jail in Oklahoma.⁴⁷



The bubble bath bureaucrat logged into a meeting from his tub then posted this pic on social media. His coworkers turned him in for “making a mockery of all the veterans.”

The whistleblower contends multiple DUIs weren’t sufficient grounds for suspension from her job at HUD. According to documents my office received from the whistleblower, this “jailbird bureaucrat” remained a HUD employee until she was finally fired for embezzling over \$20,000 of union funds in August 2023.⁴⁸ The DOL Office of Labor-Management Standards (OLMS) brought criminal charges against her on June 26, 2024⁴⁹ for making false statements and fraudulently reporting no receipts of union funds to conceal how she was embezzling the money for personal use.⁵⁰

While the disgraced former federal employee is disputing the allegations, without providing documentation, HUD is reviewing the claims at my request and is committed to providing answers about the case of the jailbird bureaucrat.

She isn't the only teleworking bureaucrat busted committing crime on taxpayer time.

For more than three years, a Social Security Administration (SSA) employee claimed to be teleworking while running his own personal business. He "routinely performed home inspections for his personal business during the workweek while purporting to 'telework' on official SSA time. He concealed the fact that he was not performing SSA work during official work hours by having his wife and his mother access the SSA computer system and send emails to supervisors to make it appear as though he was online and working." During this time, he submitted 53 fraudulent time reports to the SSA and falsified daily work logs to his supervisors. In total, his fraudulent conduct cost taxpayers nearly \$50,000.⁵¹

"Telework and emergency leave policies exist to provide needed flexibility and support to hard-working federal employees—not to supplement the incomes of no-show employees who want to double-dip on the public's dime while working for a private business," said the U.S. Attorney for the Southern District of Indiana. "The defendant's conduct was even more egregious because his failure to work harmed Americans who were depending on him to receive the much-needed benefits to which they were entitled. Public service is a public trust, and those who abuse that trust will be held accountable."⁵²

Other telework abuses may not be criminal but should be.

DOD established a Chief Digital and Artificial Intelligence Office (CDAO) in 2022 to ensure "our warfighters have the best digital capabilities."⁵³ From its beginnings, this AI office was plagued by AI—absent leadership.⁵⁴

Despite being headquartered at the Pentagon, the head of CDAO worked remotely from the West Coast. He hired two others who work in California and, according to a source, have "no situational awareness of what's going on in D.C." As a result, "they can't do their job." One is paid "almost \$450,000 as a remote worker to fly in and out from California," what the source says amounts to "waste, fraud, and abuse."⁵⁵

The absent chief departed earlier this year.⁵⁶ How do you leave when you were never actually there? A classic "if a tree falls in a forest and no one is around to hear it, does it make a sound?" moment.

Another senior teleworker who is supposed to oversee acquisition "is never at work and can't functionally lead her people," according to a source. The situation was first reported by Breitbart, which notes "this lack of direction and cohesion has been exacerbated by the office's lenient remote work policy put into place during the COVID pandemic that is still in effect, the sources said. They said some people have even moved to different states."⁵⁷

Calls, letters, and messages to my office by other federal employees provide similar anecdotal examples.

A federal employee who wished to remain anonymous says "he is one of few who reports to the Washington, D.C., office, and contractors have commented to him about the whereabouts of agency employees." He observes, "it's all empty around me. I'm the only person within three rows where I sit. It doesn't look good."⁵⁸

The leadership is either blind to the problem or part of it.

There are allegations rank-and-file Federal Aviation Administration (FAA) supervisors and

employees are ignoring Administrator Michael Whitaker’s directive for teleworking employees to report to their official worksites at least four days per two-week pay period.⁵⁹

And while DOT claims its telework-eligible workforce is spending 60 percent of the time in the office,⁶⁰ food services at the department’s headquarters have been closed apparently due to lack of demand.⁶¹

“Some federal employees who have been allowed to work fully remotely say that forcing them to come back to the office would upend their lives.” Some moved across the country and complain returning to the office would require them to commute and spend less time with family.⁶² That’s the reality of working for most Americans!

The Standards for Internal Control in the Federal Government state, “without a strong tone at the top to support an internal control system, ... results ... may not be ... acted upon to remediate deficiencies.”⁶³ This principle of fraud prevention also applies perfectly to telework abuse.

The “tone at the top” currently being set in Washington is out of office, out of sight, and out of mind.

I contacted the inspectors general of the 24 major federal departments and agencies requesting investigations of teleworking practices at each to determine the impact on both services and building utilization and if measures are being taken to ensure the salary system cannot be gamed to pad paychecks.

Fourteen investigations have been initiated. Three are completed and the rest are being finalized.

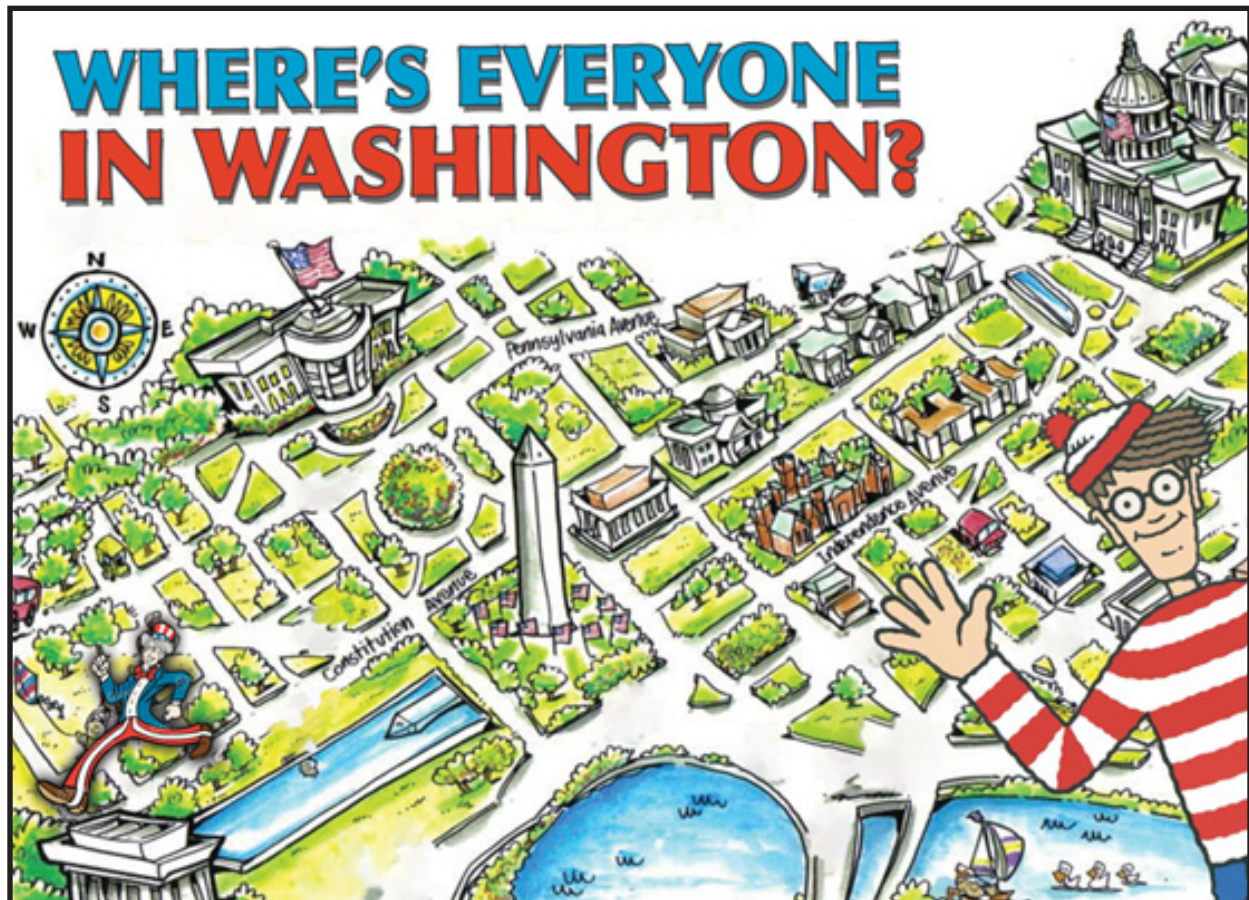
- The Architect of the Capitol OIG found 80 percent of the office’s teleworkers are receiving incorrect locality pay;⁶⁴
- The Department of Commerce OIG found nearly one in four teleworkers sampled across ten bureaus were being overpaid;⁶⁵
- The HUD OIG found some department employees live more than 2,000 miles away from the office;⁶⁶
- The USDA OIG is completing an audit of department locality pay practices and a review of office space utilization;
- The Nuclear Regulatory Commission OIG will complete an audit of telework and locality pay policies and practices;
- The EPA OIG is evaluating locality pay of remote and teleworking employees;
- The DOD OIG is evaluating internal controls for locality pay of remote workers;
- The Department of Interior OIG is evaluating the locality pay of remote workers;
- The DOT OIG is evaluating in-office, telework, and remote work policies;
- The OPM OIG is evaluating procedures the agency uses to manage its workforce in a hybrid work environment;
- The SSA OIG is evaluating locality pay issues, workplace utilization, and productivity;
- The Treasury OIG is evaluating expanded telework implementation during and after the pandemic;
- The National Aeronautics and Space Administration OIG is evaluating office and property utilization; and
- The GSA OIG included telework in its future audit plans.

The departments and agencies declining or not responding to my request include:

- The United States Agency for International Development (USAID);
- The Department of Education;
- The Department of Energy;
- The Department of Homeland Security;
- The Department of Justice;
- The Department of Labor;
- The Department of State;
- The Department of Health and Human Services; and
- The National Science Foundation.

I will keep asking these questions.

The heads of every department and agency should provide the answers to taxpayers.



Bureaucrats Phone It In

Services Suffer as Taxpayers Are Put on Hold

Frustrated Americans are sick of being *put on hold* while many federal employees are *phoning it in*, “working” from home.

Not figuratively, literally, some Americans are getting sick as a result of employees not showing up to do their jobs.

More than 100 days passed before the Food and Drug Administration (FDA) took action on whistleblower complaints about the unsanitary conditions at a baby formula factory⁶⁷ linked to the deaths of nine children and illness of dozens of others.⁶⁸ Desperate parents struggled for months to feed their children when an FDA recall then caused a nationwide shortage of formula.⁶⁹

The whistleblower complaint detailing safety concerns at an infant formula plant was delivered to the FDA in October 2021. But “mailroom staffing issues due to COVID-19,” namely employees working remotely,⁷⁰ “prevented the hardcopies from reaching FDA senior leaders” until February, when the plant was then shut down.⁷¹

While there were numerous causes for the baby formula crisis, the FDA’s curtailing of “required food facility inspections” during the pandemic impacted its ability to ensure food safety.⁷²

A former senior government official with firsthand knowledge of the FDA’s response shared these insights: “When critical FDA safety officials don’t show up to work, people die. The FDA’s remote work policy allowed problems at infant formula plants to fester into catastrophes by failing to catch issues before they harmed infants and families. By working remotely, FDA officials failed to catch problems before they grew worse, failed to keep tabs on industry, and failed to protect infants and their families who rely on the FDA’s gold seal of approval to mean something. There’s no excuse for FDA’s failure to send safety inspectors out into the field, there’s no excuse for FDA inspectors to not be in the plants, working with industry, to keep Americans safe. Were it not for the failed policies of the FDA, shortages would have been mitigated and lives would have been saved.”⁷³

It’s not just baby food, either. A backlog of food facility inspections caused by COVID-19 era policies is currently being reviewed by the Department of Health and Human Services (HHS) Office of Inspector General (OIG). The findings are expected to be released in 2025.⁷⁴

Thousands of pharmaceutical plants that manufacture antibiotics, cancer therapies, and other medicines have also not been inspected since prior to the pandemic. The Associated Press reports the FDA “began using video and other online tools to evaluate plants remotely during COVID-19, although those aren’t equivalent to physical inspections.” And even with remote inspections, almost 40 percent fewer inspections are being conducted now than before the pandemic.⁷⁵

Despite the backlog, FDA isn’t looking at bringing employees back to the workplace to get

caught up. The agency's Commissioner of Food and Drugs explains, "an outgrowth of the pandemic was the realization that the FDA could construct a hybrid work environment, optimized for productivity and lifestyle. Looking forward, it's not so much about COVID-19."⁷⁶

The FDA isn't the only health agency suffering from "no shows."

Up to 30 percent of HHS employees "did not appear to be working" on any given day at the height of the COVID-19 pandemic.⁷⁷ This analysis is based on HHS employees' login activity used to access the agency's email and file systems remotely collected by the HHS Office of the Chief Information Officer and disclosed by a whistleblower.⁷⁸

Apparently, the government doesn't consider health department employees to be essential workers, even during a once-in-a-century global health emergency.

Facing another health crisis, veterans are encountering similar problems accessing mental health therapy.

After putting their lives on the line defending our nation, more than 17 veterans are taking their own lives every day.⁷⁹

Yet, thousands of calls to the Department of Veterans Affairs (VA) from veterans seeking mental health care went unanswered last year.⁸⁰ And that was just at the Atlanta VA!

One veteran in the midst of a mental health crisis called ten times over a three-month period but could not get the care she needed, much less anyone to answer her calls, so she ended up in an emergency room.⁸¹

Suffering from PTSD, anxiety, and depression from serving in combat and being sexually assaulted during her deployment, her calls frequently went unanswered. She says she begged to speak with someone who could help and was told a mental health professional would call her back. But no one ever did.⁸² The last time she called, this veteran said she "wanted to go to sleep forever." While the VA did provide her with a drug prescription, there was no follow-up from a mental health provider.⁸³

A VA whistleblower alleges out of roughly 22,000 mental health calls made to the Atlanta VA Health Care System over a 12-month period, about 7,200, went unanswered.⁸⁴ "There is no sense of urgency," the whistleblower says.⁸⁵

Meanwhile, a manager at the Atlanta VA responsible for overseeing the scheduling of veterans'

The Atlanta Journal-Constitution

LOCAL NEWS

'No sense of urgency': Mental health calls to Atlanta VA go unanswered

A whistleblower complaint alleges 7,200 missed calls from veterans in crisis last year

Thousands of calls to the VA from veterans in crisis are going unanswered.

appointments actually called into a meeting *from a bubble bath*—and posted a selfie on social media with the caption, “my office for the next hour.”⁸⁶

Another VA staffer lamented, “It’s almost as if this employee is making a mockery of all the veterans. I can sit here in my tub and relax, and you just have to wait.”⁸⁷

That is exactly what is happening.

And even when someone does answer the phones and schedules an appointment, too many veterans say their therapists cancel at the last minute or don’t even bother showing up.⁸⁸

“Any cancellation can affect continuity of care and have a negative impact on a veteran’s health, however. They may even contribute to suicide among veterans, although exactly how many is unknown. The number is not zero, however, according to families,” according to a report by the Pulitzer Center and Military.com.⁸⁹

Elderly, disabled, and other vulnerable folks who rely on caregivers with support from the Social Security Administration (SSA) are struggling with similar frustrations.

A nonprofit serving lowans in need contacted my office frustrated by the growing delays the organization is experiencing dealing with the SSA.

The executive director says prior to the COVID-19 pandemic, the response time from the local Social Security office was just a few days at most. But now, it takes weeks and even months to get a call back. Some of the folks the nonprofit serves have gone without benefits as a result of the unreturned phone calls. Approvals to provide support to others seeking assistance are also being delayed.

The situation was dire: emails to the SSA Sioux City, Iowa field office went unanswered, and calls were often directed to voicemail without response. This lack of communication from the field office staff caused months-long delays for beneficiaries.

The agency’s executive director says the lack of communication “is having an impact on the clients we serve and our ability to provide quality service,” and that “**they are running us out of business.**”⁹⁰

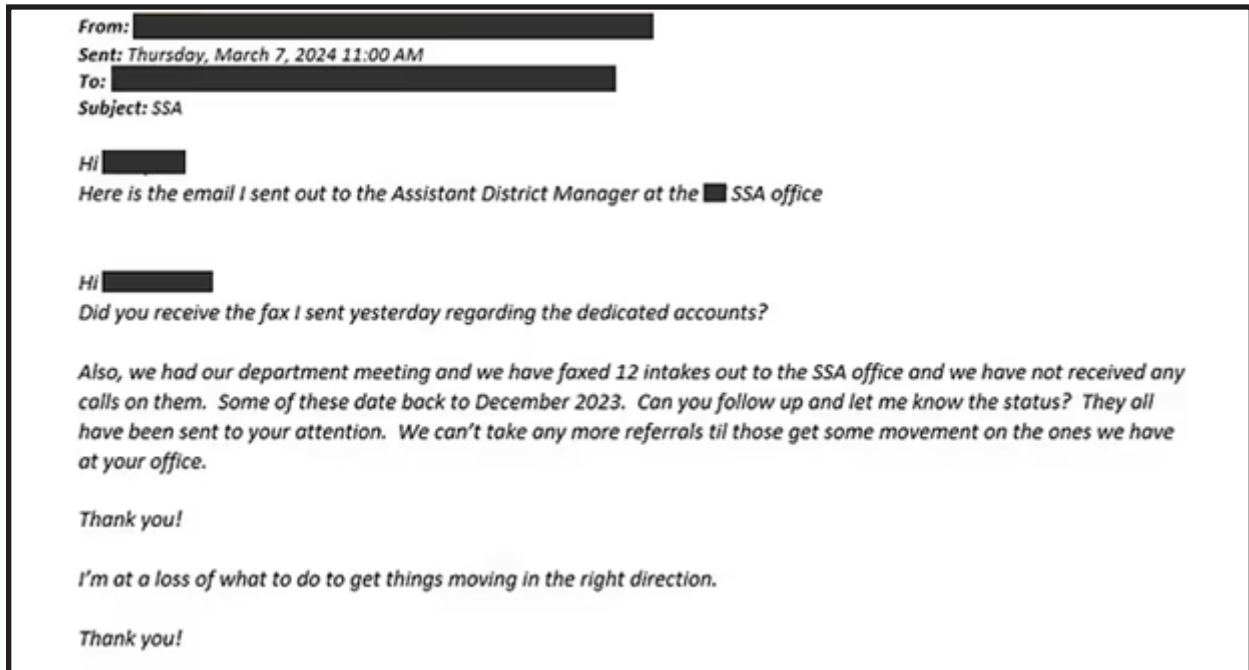
When federal employees largely abandoned their offices to work from home nearly five years ago at the onset of the COVID-19 pandemic, these essential workers remained on the front lines serving the vulnerable, disabled, and elderly.

Today, the SSA’s headquarters is still more than 90 percent empty,⁹¹ but these folks helping lowans in need *are showing up*. Because the support they provide is being threatened by the SSA’s unresponsiveness, I called on the agency’s Inspector General to investigate.⁹²

Almost immediately, my phone started ringing and the SSA commissioner personally paid a visit to me to discuss the matter. He shared statistics showing lowans were receiving some of the SSA’s best customer service in the country. Considering the efforts required just to get lowans’ phone calls returned, I shudder to think what may be happening elsewhere.⁹³

Requests like this, to assist the elderly and vulnerable were going unanswered for months, until I discussed the situation face-to-face with the Social Security Administration’s commissioner.

The commissioner explained other government agencies, such as the VA, are recruiting away

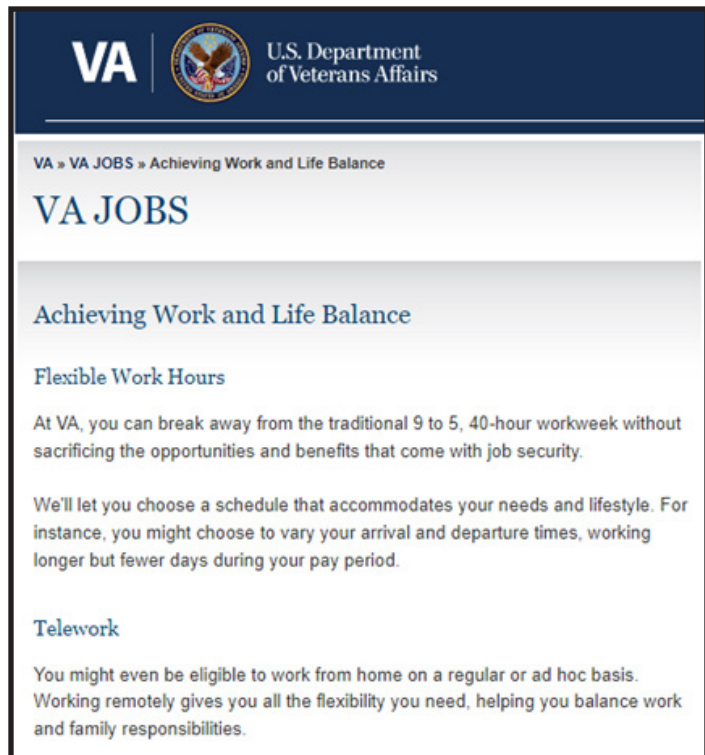


current and potential SSA staff by promising even more excessive teleworking possibilities for new hires.⁹⁴

It's right there on the Veterans Affairs website: "At VA, you can break away from the traditional 9 to 5, 40-hour workweek without sacrificing the opportunities and benefits that come with job security. We'll let you choose a schedule that accommodates your needs and lifestyle. For instance, you might choose to vary your arrival and departure times, working longer but fewer days during your pay period."⁹⁵

While teleworking may be allowing VA employees to live their best lives, it's a disservice to the vets the department exists to serve.

An Army veteran who served as a Black Hawk crew chief stopped seeking mental health care from the VA after suffering through years of scheduling problems and cancelations at multiple medical centers. When he finally did connect with a therapist, she "spent the appointment singing the praises of



VA promises greater benefits for bureaucrats while veterans wait for the benefits they were promised.

remote work with her cat draped around her neck.” He says, “it was, pardon my French, a f***ing disaster ... so now I’m just on my meds doing my best.”⁹⁶

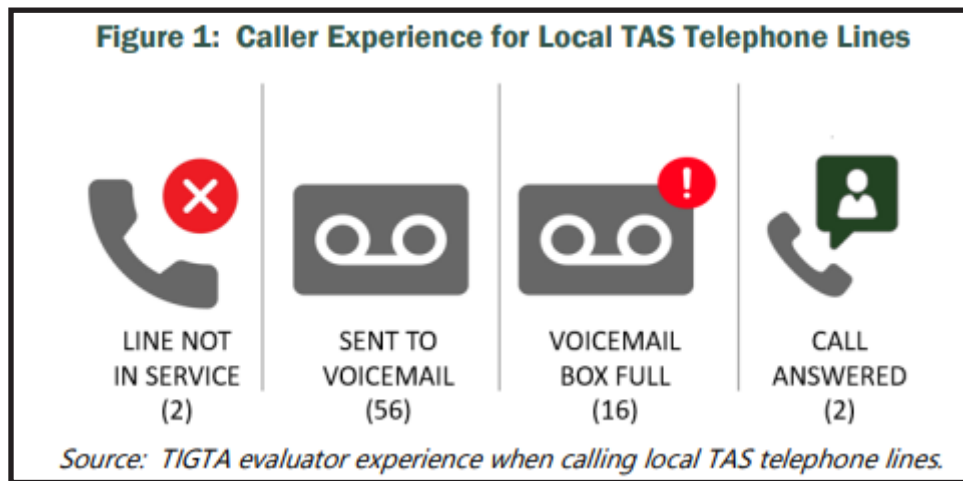
These are not isolated examples.

Four million calls to the Department of Education’s call center recently went unanswered, denying students information needed to help complete student aid applications.⁹⁷

And while taxpayers wouldn’t dare ignore a call from the IRS, only two of the agency’s 76 local offices across the country set up to assist those experiencing financial hardship are actually picking up the phone.⁹⁸

“Virtual training and maximizing telework in response to the pandemic also may have contributed to declines in productivity” at the IRS, concludes the Treasury Inspector General for Tax Administration.⁹⁹

Witnesses at a recent Senate Small Business Committee hearing lamented the challenges trying to contact the Small Business Administration (SBA) for help and disaster assistance. One stated, “finding a person and getting advice is kind of priceless,” but added, even if you need assistance, “you don’t call.”¹⁰⁰

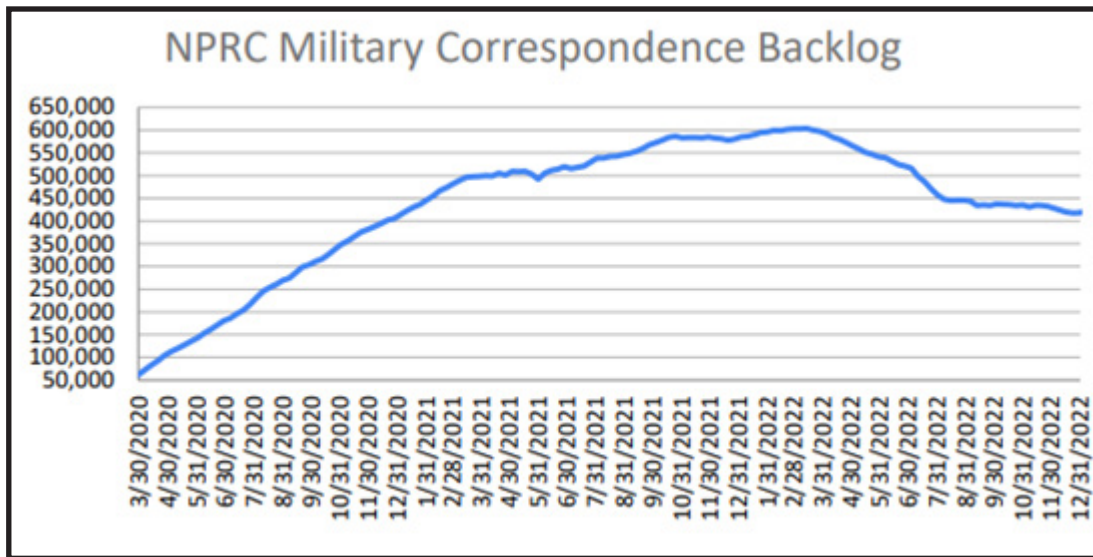


While taxpayers don’t dare ignore calls from the IRS, the agency isn’t answering calls made to most of its local offices.

Veterans seeking copies of their service records necessary for VA health care and benefits, disability compensation, and pensions experienced immediate backlogs when teleworking began. It took nearly four years for the National Personnel Records Center (NPRC), which maintains the files, to resolve the problem caused by “a lack of on-site staff due to facility occupancy restrictions in place from March 2020 to February 2022, and limited remote processing capabilities.”¹⁰¹

NPRC had been turning around document requests within ten working days prior to the closing of all its facilities and the initiation of COVID-era telework. In March 2020, fewer than 56,000 military requests awaited responses. “As the closures remained in place, this figure grew until it reached a backlog” of nearly 604,000 in March 2022.¹⁰²

For two years, between 49 and 278 NPRC staffers showed up to work. “Employees came on-site on a volunteer basis once facilities began to be re-opened,” according to the National Archives Office of Inspector General.¹⁰³



Veterans seeking copies of their service records necessary for applying for health care, benefits, and pensions experienced immediate backlogs when teleworking began.

Poor customer service outcomes were already occurring because of government teleworking before the COVID-19 pandemic made the practice the norm.

The U.S. Patent and Trademark Office (USPTO) began experimenting with telework nearly three decades ago. In 1997, 18 trademark examining attorneys participated in a telework pilot program. Today, more than 12,000 USPTO staff telework.¹⁰⁴

The USPTO claims “to be a leader of telework in the federal government” that “has created a sustainable and best-in-class model for distributed work serving external stakeholders from across the United States.”¹⁰⁵

Those claims began unraveling after a tipster called out a patent examiner who “never shows up to work” and whose work is “garbage.” A review by the Department of Commerce Office of Inspector General (OIG) determined the employee was paid \$25,000 for 730 hours not worked. He was instead playing golf, shooting pool, and going to happy hours.¹⁰⁶

The case provoked a comprehensive investigation that found USPTO’s lax oversight and inadequate internal controls of telework wasted millions of dollars paying thousands of teleworkers for hours not worked and contributed to a patent application backlog.¹⁰⁷

Over just a nine-months, USPTO “failed to receive nearly \$8.8 million in work product that would advance its mission and lessen the patent application backlog by an estimated 7,530 cases.” The OIG noted these are conservative estimates and the true costs “could be twice as high.” Additionally, more than 4,000 examiners paid for hours they did not appear to be working received above-average ratings on their annual performance reviews and many were paid bonuses.¹⁰⁸

These deadbeat bureaucrats were paid bonuses for not working at a cost to innovative entrepreneurs and society alike. Patent backlogs delay consumers’ access to products, like life-saving drugs, and result in potential economic losses totaling billions of dollars every year.¹⁰⁹ Today, the agency’s backlog of unexamined patent applications “may be near or at an all-time high.”¹¹⁰

While USPTO’s experiment with telework is now the government-wide practice, the OIG’s review in 2016 demonstrates it is possible to review productively, performance, and work presence—whether at home or in the office—and identify when, where, and if employees are working and what they are or are not accomplishing.

The OIG noted that USPTO’s own “policies limit the agency’s ability to prevent and detect attendance abuse,” suggesting teleworkers log in to computers and provide supervisors with work schedules while in-person employees use ID badges when for building access.¹¹¹

At the IRS, over 37,000 employees were already teleworking prior to the pandemic. During 2019, more than 10,000 of these did not report to the office at least once a week as required.¹¹² Some IRS employees who had been disciplined for being Absent Without Leave (AWOL) five days or more were teleworking despite being prohibited from doing so by the *Telework Enhancement Act*.¹¹³ Similarly, IRS policy does not permit employees who received poor performance reviews to telework. Regardless, 138 poor performers were still allowed to telework by the IRS.¹¹⁴

Locking in transparency and accountability is essential for guaranteeing the level of public service taxpayers deserve and should be the standard for determining the future of government teleworking.

Public Employees Padding Paychecks By Avoiding the Office

Imagine if you could inflate your paycheck by \$1,000 or more every month by simply designating a desk in an office you only have to sit at a handful of times throughout the year as your official duty station.

Some bureaucrats are doing just that, padding their paychecks by claiming to be working in areas with higher pay rates while living elsewhere.

More than a quarter of federal employees who telework daily live more than 50 miles away from their worksite, according to an OPM survey.¹¹⁵

Government salaries are determined, in part, by the locations of an employee's official worksite. There are 58 locality pay areas with base pay for federal employees adjusted to account for the cost-of-living in each.¹¹⁶ The pay difference for employees doing the same or comparable jobs can differ by as much as \$20,000 or more between these geographic locations.¹¹⁷

The U.S. Office of Personnel Management (OPM) says the official worksite for teleworkers "remains the location of the agency worksite (i.e., the agency worksite where they would normally work, not the telework location)." OPM stipulates employees "generally should be scheduled to be at the agency worksite at least twice each biweekly pay period on a regular and recurring basis."¹¹⁸ This means they *should*, but not must, be at the designated desk a mere four days every month.

An employee is obligated to show up at their official worksite at least once a week to get that locality pay. However, that requirement can be waived on an employee-by-employee basis, in perpetuity. Some agencies used this flexibility in a blanket manner for years beginning in March 2020.¹¹⁹ If not periodically reviewed, these exceptions are ripe for abuse.

After being tipped off that some unscrupulous federal employees were gaming the pay system by a whistleblower, I asked OPM in March 2023 how, or if, federal agencies are reviewing compensation packages to certify federal employees who predominantly work from areas outside the national capital region are not receiving Washington, D.C. locality pay, which is on the higher end of the pay scale.

OPM washed their hands of the issue by kicking the decision making to the agencies themselves.

Unsatisfied with this mismanagement and lack of leadership, I took my case to the inspectors general by requesting audits of agencies' teleworking policies. Thus far, the Office of Inspectors General (OIGs) are finding as many as 23 to 68 percent of teleworking employees are receiving incorrect locality pay that is higher than it should be.¹²⁰

The Department of Commerce OIG found nearly 23 percent of teleworkers sampled across ten bureaus were being overpaid.¹²¹ This includes employees in the Secretary's own office as well as the U.S. Census Bureau, the Economic Development Administration, the National Oceanic and Atmospheric Administration (NOAA), and United States Patent and Trademark Office.

The OIG also found the Commerce Department can't verify employees are showing up to the office as required.

As examples, two NOAA employees with duty stations in the higher paying areas of Seattle, Washington, and Silver Spring, Maryland, in suburban Washington, D.C., were both teleworking in distant states with lower locality rates. No electronic badge swipe-in information could be found that these employees entered the agency worksite. The department also couldn't provide any other evidence proving the employees worked in the office at least two days per two-week pay period as required by their telework agreements. A more extensive review of their timesheets showed both employees rarely worked in the office.¹²²

The OIG notes, "the locality pay these employees received was based on their duty station while they were teleworking in geographic regions with lower locality payments," and explains if any employee, like either of these, is not physically reporting to the office as required, that employee is "not a teleworker but a remote worker, which can affect the employee's locality pay."¹²³

The lax management of the department is largely to blame for the overpayments. When new remote and telework agreements resulted in changes in duty stations for some employees, the department took many months, in one case nearly a year, to update the locations.

It's concerning the U.S. Census Bureau whose primary mission is to account for every citizen of this country cannot locate the whereabouts of its own employees!

A number of U.S. Agency for International Development (USAID) employees have also been busted fraudulently collecting Washington, D.C. locality pay while living elsewhere.

One senior USAID employee lived in Florida for the duration of her employment but used an office supply store in Virginia for work-related correspondences to deceptively collect D.C. locality pay. Despite being required to report to the USAID office in Washington, D.C. twice every pay period, she was permitted to violate the telework agreement by her supervisor.¹²⁴

When questioned by OIG special agents, the supervisor denied knowing where the employee lived. The OIG found evidence, however, showing "the supervisor knew the employee lived in Florida and was using an address in Virginia to receive the higher locality pay."¹²⁵ Criminal charges against both the employee and the supervisor were dropped and the employee retired.¹²⁶

When confronted by my office in July 2024 as to whether this case could represent a broader issue at USAID, officials unironically stated such a concern was unfounded given the agency's spotless locality pay audit record.¹²⁷

According to USAID, "it is the supervisor's responsibility to ensure the employee is performing the official duties at the duty location annotated on the official records."¹²⁸

Pressed further, USAID admitted it does not collect data regarding why certain USAID employees have their telework privileges revoked.¹²⁹ The agency has also been unable to produce even basic information about how many employees have had their telework agreements adjusted or why.

Several weeks later, in September 2024, USAID's OIG announced another senior employee of the agency was receiving Washington, D.C. locality pay while living elsewhere. This time in North Carolina. Over a seven-month period, the employee was overpaid nearly \$10,000 due to

the higher pay rate. No criminal charges were pursued against the employee.¹³⁰

A Federal Railroad Administration (FRA) employee set up a mailbox at a UPS box facility in an area with higher locality pay than the location where he lived and worked. He was convicted earlier this year for defrauding taxpayers out of nearly \$125,000 in overpayments.¹³¹

A VA employee approved for “temporary” telework relocated to an area with lower locality pay but continued collecting the higher salary *for nearly a decade*. The OIG found no evidence “suggesting that the employee’s telework arrangement was ever reassessed to determine whether the employee’s emergent circumstances had ended.”¹³²

Reviews I have requested of locality pay by inspectors general are detecting other paycheck padding schemes and errors at additional departments and agencies.

With nearly one in ten Department of Housing and Urban Development (HUD) teleworkers located more than 50 miles away from their actual duty station, the department’s OIG warns some of these may be receiving incorrect locality payments.¹³³ A review of the department’s telework agreements found some HUD employees are supposed to be commuting more than 2,000 miles every week!¹³⁴ That’s the distance from one side of the country to the other.

Even smaller agencies with smaller workforces are susceptible.

Consider the Architect of the Capitol (AOC) which cares for the buildings and the grounds surrounding the U.S. Capitol, a mission requiring a largely onsite workforce but with a handful of employees who telework. A review by the agency’s OIG found 80 percent of the teleworkers were receiving incorrect locality pay!¹³⁵ More than two-thirds, 68 percent, were being overpaid.¹³⁶ As a result, over \$100,000 in taxpayer dollars were misspent before this error was identified. Most of these inflated AOC remote work salaries were paid *after* the pandemic.¹³⁷

The OIG continues receiving complaints from AOC’s own employees that the office’s remote work policy is confusing and lacks transparency. “Without a robust and comprehensive policy, the AOC risks the continued waste of government funds,” the OIG warns.¹³⁸

These cases demonstrate locality-based compensation is highly vulnerable to abuse because some managers are lax in updating employee locations, ensuring the terms of teleworking arrangements are being met, and sometimes even allowing the system to be taken advantage of by teleworkers.

There is no excuse for managers not knowing if employees are complying with telework arrangements when digital records can easily identify when, where, and if an employee is logging onto a computer or swiping an access card to enter a building.

The current unaccountable telework arrangements are providing a significant financial incentive for employees to stay away from the office. An employee can collect a bigger paycheck by claiming a workstation in an area with higher locality pay while living somewhere else with the added benefit of not having to commute to the office.

Locality pay fraud isn’t limited to just paychecks. It could involve tax evasion and longer-term implications, like increasing pension payments later in life.

Collecting a salary set at the pay scale for Washington, D.C., which is one of the highest taxed areas in the country,¹³⁹ while living in Florida, where there is no state income tax,¹⁴⁰ effectively

dodges liability for thousands of dollars in state and local tax bills.

Federal pensions are determined, in part, by an employee's highest salary.¹⁴¹ Therefore, collecting higher locality pay for just a few years can permanently plus-up a pension after an employee retires.

The irony is many Americans would accept a pay *cut* in exchange for the flexibility to work from anywhere,¹⁴² while some federal employees are working anywhere they please for *more* money.

Abandoned Government Buildings Continue Costing Billions of Dollars

You may be more likely to see a ghost than a bureaucrat haunting the halls of some government buildings in Washington, D.C. these days.

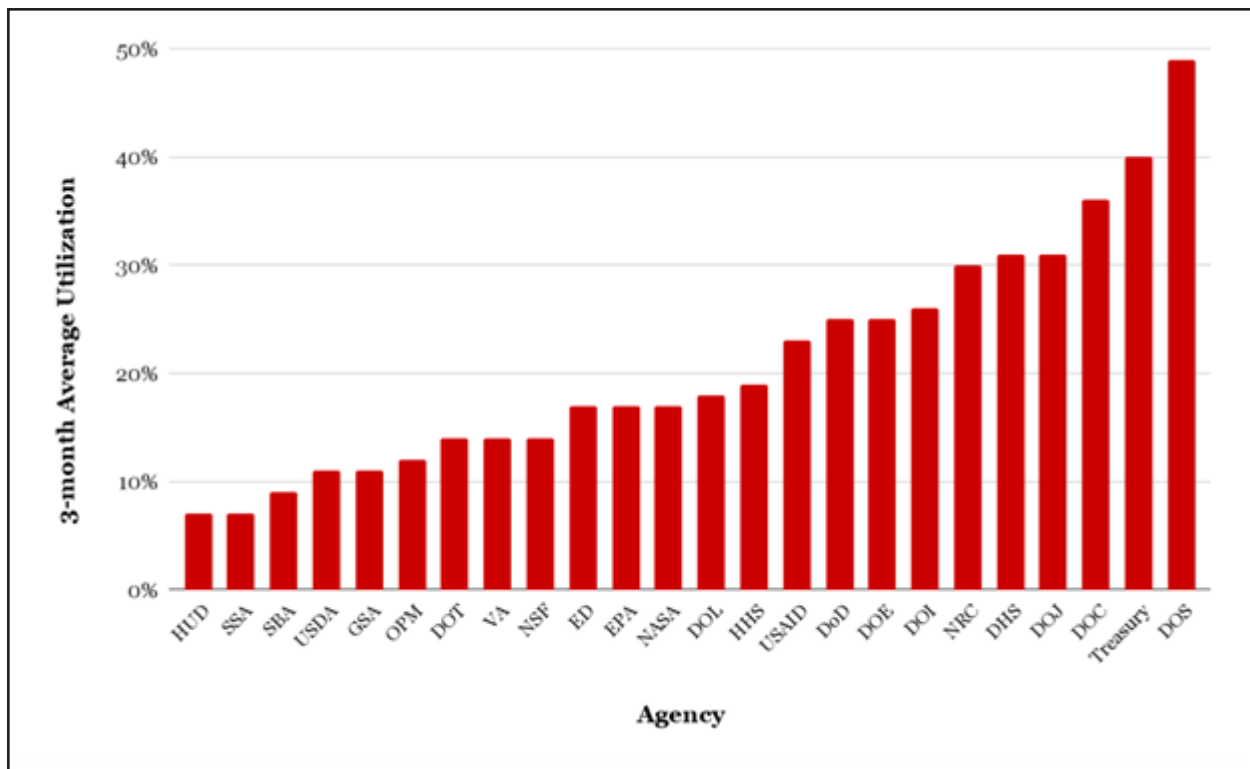
Not a single headquarters of a major government agency or department in the nation's capital is even half full.¹⁴³ Yet it's costing \$8 billion every year to maintain or lease government office buildings.¹⁴⁴ Another \$7.7 billion is being expended annually for the energy to keep them running.¹⁴⁵ And billions more are being spent buying brand new furnishings for the largely abandoned offices inside them.¹⁴⁶

The average occupancy rate in more than 20 headquarters is a mere 12 percent, according to the Public Buildings Reform Board (PBRB), an independent agency created to reduce unnecessary government property.

Three-quarters *or more* of the space in the buildings are going unused, according to a separate analysis by the nonpartisan Government Accountability Office (GAO).¹⁴⁷

Federal agencies own 7,697 vacant buildings and another 2,265 that are partially empty.¹⁴⁸

Over **\$81 million** is being wasted every year for the underutilized government office space alone.¹⁴⁹



Not a single government building is even half full .



You may be more likely to see a ghost than a bureaucrat haunting the halls of government buildings in Washington, D.C., these days.

This includes over 24 million square feet of federal government office space, costing taxpayers nearly \$68 million every year for maintenance and operation.¹⁵⁰ An additional \$14 million is being spent leasing underutilized space and nearly \$1 million more for its maintenance.¹⁵¹

Only Washington would waste **\$15 million** leasing office space and property that isn't needed and not being used.

The PBRB warns the "status quo of nearly empty federal buildings is not financially or politically sustainable."¹⁵²

Yet, little is being done to fill the buildings with workers or consolidate the unused space or sell off the unneeded property.

GAO and the PBRB used different methods and metrics to reach the same findings: agency headquarters are overwhelmingly underutilized. While both agencies focused solely on buildings located around the nation's capital, there is no comprehensive analysis of the occupancy rates of other government offices.

Despite the calculations produced by these two separate independent agencies, whistleblower accounts, and anecdotal evidence, department heads continue claiming employees are showing up to work and pushing back on any suggestions to take attendance.

Top Ten Emptiest Government Headquarters According to the Public Buildings Reform Board

Agency	Property Name	Address	Size (GSF)*	Size (USF)**	Estimated Capacity (# seats) @200 USF per seat	2023 Daily Average Occupancy (cell phone)	Approx Utilization @ 200 USF per Occupant
Department of Energy	James V Forrester	1000 Independence Ave S.W.	1,808,177	967,674	4,838	8	0%
Agency for Global Media	Wilbur J. Cohen Building	330 Independence Ave S.W.	1,201,918	686,232	3,431	72	2%
US Department of Agriculture	Agriculture South & Whitten	1400 Independence Ave S.W.	2,764,402	1,487,653	7,438	456	6%
Department of Veterans Affairs	Veteran's Affairs Building	810 Vermont Ave N.W.	684,209	481,558	2,408	172	7%
Environmental Protection Agency	William Jefferson Clinton Federal Building	1200 Pennsylvania Ave N.W.	891,576	478,396	2,392	195	8%
Department of Labor	Frances Perkins Building	200 Constitution Ave N.W.	1,850,910	973,778	4,869	441	9%
Nuclear Regulatory Commission	One White Flint North	11555 Rockville Pike	532,293	275,369	1,377	127	9%
Office of Personnel Management	Theodore Roosevelt Building	1900 E St N.W.	810,834	479,185	2,396	258	11%
Department of Housing and Urban Development	Robert C. Weaver Federal Building	451 7th St S.W.	1,372,280	813,753	4,069	441	11%
Department of Commerce	Herbert Hoover Building	1401 Constitution Ave N.W.	1,891,591	1,043,059	5,215	589	11%

Without elaborating, the Office of Personnel Management “indicated information about the relative concentration of federal personnel in any given building may raise security risks for federal personnel.”¹⁵³ With so few employees in any government building, it is unclear what risks there might be from providing these numbers—other than some of them getting caught not working or taking a bubble bath on taxpayer time.

When just eight employees were counted being present at the Department of Energy (DOE) headquarters on an average day, the PBRB assumed the number was flawed since it was so low. The board reached out to the department to clarify staff attendance estimates, but DOE did not provide answers.¹⁵⁴

When I sought answers myself, DOE’s director of Office of Management replied, “while I cannot comment on the methods used by the Public Buildings Reform Board in evaluating the occupancy of the Department of Energy’s headquarters in Washington, D.C., I assure you

thousands of personnel are reporting to work at Headquarters when the federal government is in operation.”¹⁵⁵

Taxpayers are being charged **more than \$182,000 per employee a year** to cover operating and maintenance expenses at the Department of Labor headquarters. On an average day, fewer than 500 employees are reporting to work at the building which costs nearly \$60 million a year to rent, operate, and maintain. The PBRB notes, “This level of expenditure to house such a small number of federal employees cannot be justified and is not sustainable. It also is not unique.”¹⁵⁶

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I am closely monitoring the telework practices of the Small Business Administration (SBA). The agency does not know the number of employees showing up to work in person,¹⁵⁷ does not track changes in teleworking status of employees,¹⁵⁸ and doesn’t know how much of its office space is currently being used.¹⁵⁹

SBA claims the agency’s headquarters is operating at 50 percent.¹⁶⁰ However, SBA inked a Memorandum of Understanding with a federal employee union authorizing employees to show up to the office once a week, or not at all.¹⁶¹ And more than 90 percent of SBA’s headquarters is empty on a daily basis.¹⁶²

As mentioned previously, USDA Secretary Tom Vilsack took issue with GAO’s findings that nearly 90 percent of the office space in USDA’s headquarters is not being used on a daily basis.¹⁶³ Secretary Vilsack said this calculation is “not even close to correct” and these numbers do not reflect “what is happening.”¹⁶⁴ But the GAO numbers are confirmed by PBRB’s findings that a mere six percent of the office space at USDA is being utilized and less than 500 people are showing up daily at the USDA headquarters which has capacity for more than 7,400.¹⁶⁵



Empty workstations at USDA’s Beltsville, Maryland office, Fall 2023

The EPA is spending \$90 million a year for its headquarters,¹⁶⁶ but uses just eight percent of the office space.¹⁶⁷ An EPA official says in-person attendance in some of its offices can drop as low as ten percent on a Friday.¹⁶⁸

Teleworking *should* be environmentally friendly, but not at the EPA. With climate gases being emitted warming and cooling empty offices and dangerous toxins festering in stagnant drinking water, the EPA's hollow headquarters stands as an ironic Washington monument to government teleworking's toll on the environment.



With climate gases emitting from empty offices and dangerous toxins festering in stagnant water, the EPA's headquarters stands as an ironic Washington monument to government teleworking's toll on the environment.

GAO explains buildings “have environmental costs, and any reduction in office space could reduce those costs. Emissions—and their associated monetary costs—are still generated with underutilized space because agencies continue to operate buildings even when staff are not in the office.”¹⁶⁹

The PBRB adds, “In addition to high costs, other problems with low utilization rates include environmental and health impacts. The per person carbon emissions from heating and cooling nearly empty buildings, not to mention energy costs, are indefensible. Severely underutilized buildings can also pose health risks to their occupants as GSA recently discovered with Legionella outbreaks in many of its buildings when water stagnated in their plumbing systems from underutilization.”¹⁷⁰

Legionella is a bacterium that can cause Legionnaires’ Disease, a severe form of pneumonia with a 33 percent mortality rate in pediatric cases,¹⁷¹ and up to 80 percent mortality rate in at-risk adults.¹⁷² While most healthy people exposed to the bacteria don’t get sick, the Centers for Disease Control and Prevention (CDC) notes, “there’s no known safe level or type of Legionella.”¹⁷³

Legionella has been found in the water at agency's headquarters¹⁷⁴ and other EPA offices outside of Washington.¹⁷⁵ Multiple grievances have been filed against the agency by its own employees who are seeking protection from the unsafe water in their workplace.¹⁷⁶

While the situation is particularly egregious since the EPA's mission "is to protect human health and the environment" and ensure clean water, the problem isn't isolated to a single agency or building.

The stagnant water in empty federal office buildings across the country is collecting dangerous contaminants, like lead and copper, and becoming a breeding ground for deadly bacteria, all of which are hazardous to human health. Legionella is turning up in faucets and sinks in federal office buildings,¹⁷⁷ courthouses,¹⁷⁸ and even childcare centers¹⁷⁹ across the country due to "extended periods of reduced or no occupancy" buildings.¹⁸⁰ At least two people who worked in government buildings have recently been diagnosed with Legionnaires' disease.¹⁸¹

"Legionella is flourishing," says Elliot Doomes, commissioner of the GSA's public buildings service.¹⁸² One-fourth of the locations in federal buildings tested "have shown the presence of Legionella bacteria in exceedance of established thresholds."¹⁸³

It's safer to drink water out of the tap in Flint, Michigan today¹⁸⁴ than from the faucets in many federal buildings.

In September 2023, the GSA OIG issued an alert memorandum warning, "the current reduced building occupancy levels can lead to water stagnation, which provides ideal conditions for the growth and spread of legionella and increases the likelihood that other buildings may be contaminated."¹⁸⁵

Yet, like other government agencies in this work-from-home era, GSA was slow to respond. As a result, employees and visitors to government offices serving veterans, senior citizens, and the disabled were potentially exposed to toxic water.¹⁸⁶ Bacteria levels exceeding safe thresholds have been found in a children's playroom and a toddler restroom.¹⁸⁷

Underutilized buildings causing hazardous water are creating a vicious cycle as workers are being evacuated en masse once again.

Federal Trade Commission employees were only required to show up to the office "about once a week," but now the agency's 600 workers are being told to stay home due to the Legionella in the agency's headquarters.¹⁸⁸

Similarly, the Centers for Medicare and Medicaid Services (CMS) complex was closed in June 2024 after Legionella bacteria was discovered, sending the agency's 3,500 employees and contractors home "until the situation is resolved."¹⁸⁹ The agency declined to comment when asked about its telework policies, so "it is not clear how many CMS workers have been on campus in recent months after staff largely shifted to remote work during the coronavirus pandemic."¹⁹⁰

As long as government buildings remain abandoned, this problem will persist.

Despite all the empty chairs sitting around these offices, government agencies are spending as much or more purchasing furniture today than they were in 2018, before telework became the norm.

According to a review of receipts by the transparency group Open the Books, between 2020 and 2022:

- The federal government purchased \$3.3 billion worth of furniture;
- \$26 million was spent furnishing government conference rooms while meetings were being replaced by Zoom calls;
- The Pension Benefit Guaranty Corporation, with a payroll of 1,000 employees, spent \$14.4 million on new furniture, or \$14,400 per staffer;
- The Pentagon paid \$1.2 billion for new furniture;
- Despite using just 11 percent of its office space, USDA bought nearly \$57 million of furniture; and
- The Department of Transportation spent more than \$55 million on furniture while only using 14 percent of its office space. ¹⁹¹

With billions wasted purchasing this plush furnishing, federal agencies now need to fill the seats and get back to the people's business.

While agency heads claim their headquarters aren't empty, none appear to have a system to track building utilization, and if they do, they aren't sharing it.

FEDERAL FURNITURE SPENDING DURING THE PANDEMIC YEARS 2020 - 2022

TOP 10 AGENCIES	TOTAL SPENT
DEPARTMENT OF DEFENSE	\$1,233,434,772
DEPARTMENT OF VETERANS AFFAIRS	\$427,990,572
DEPARTMENT OF JUSTICE	\$408,167,518
GENERAL SERVICES ADMINISTRATION	\$307,904,579
DEPARTMENT OF STATE	\$302,437,560
DEPARTMENT OF HOMELAND SECURITY	\$154,943,823
DEPARTMENT OF THE TREASURY	\$63,582,428
DEPARTMENT OF AGRICULTURE	\$56,503,500
DEPARTMENT OF TRANSPORTATION	\$55,396,646
DEPARTMENT OF HEALTH AND HUMAN SERVICES	\$41,621,981

The federal government spent \$3.3 billion purchasing new furniture during the pandemic years, according to Open the Books

Congress passed legislation this year setting a goal for all agencies to achieve a 60 percent space utilization rate.¹⁹² Not a single department or agency is using even half of its office space and most are averaging usage levels of 25 percent *or less*.¹⁹³

There are two options for reaching the goal:

1. Call government employees back to work; and/or
2. Consolidate office space and get rid of unused and unnecessary excess property.

Self-imposed bureaucratic hurdles are complicating both solutions.

Consider a temporary government building completed in 1919 is only now finally slated to close next year.¹⁹⁴ The Treasury Department's Bureau of the Fiscal Service, now occupying the building, is relocating into the U.S. Mint's headquarters. The move will save taxpayers \$15 million.¹⁹⁵ It shouldn't take a century to get rid of a temporary building and taxpayers cannot wait another 100 years before we start disposing of all of the other unused office space in Washington.



It's taking more than a century to close this building, completed as a temporary structure in 1919.

But agencies are reluctant to give up space and say sharing offices with other agencies is “a challenge.”¹⁹⁶ An official with one department worries sharing space “could lower their perceived standing as a cabinet-level agency.”

Last year, GSA announced more than \$1 billion would be saved by disposing of just 23 properties, including post offices, courthouses, and federal buildings, that the agency says, “are underperforming, underused, or otherwise don't use taxpayer dollars effectively.”¹⁹⁷ This move will downsize the federal government's property portfolio by 3.5 million square feet.

Considering GSA owns and leases over 363 million square feet of space in 8,397 buildings,¹⁹⁸ not one of which is known to be using even half of its available space, tens of billions of dollars could be saved through more real estate rightsizing.

Most of GSA's leases (4,108 out of 7,685) will expire by the end of 2027.¹⁹⁹ Before any of these are renewed, agencies must justify the need and cost for the space. This must take into account

how much is currently being used. Consolidation of offices could increase overall utilization and reduce costs being wasted leasing and maintaining empty space.

The lease for the National Aeronautics and Space Administration’s (NASA) D.C. headquarters expires in 2028.²⁰⁰ The building is “one of D.C.’s largest federal leases,”²⁰¹ yet 85 percent of its office space is going unused.²⁰²

“Buying a different building” for NASA “or construction of a new headquarters building, all within the Washington area,” are options now under consideration, according to internal emails obtained by the Functional Government Initiative.²⁰³

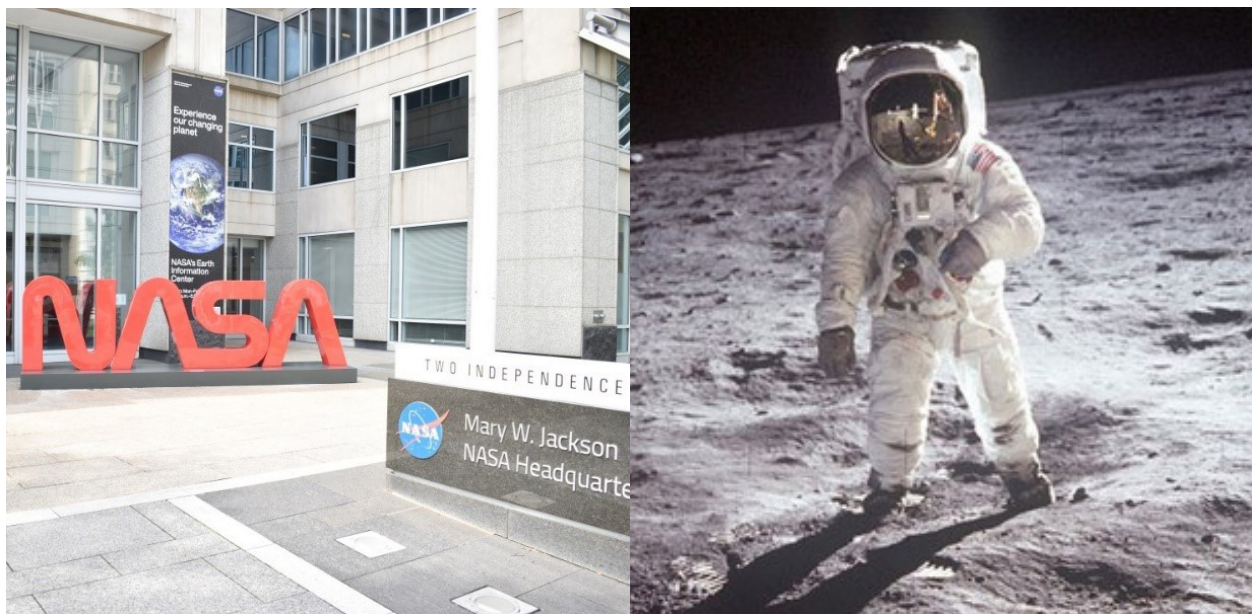
Office space is the new final frontier for NASA employees to explore. While the agency spends millions of dollars every year searching for life on other planets, NASA can’t detect how many employees are even showing up for work in its own office building.²⁰⁴

The new space race is on: Will NASA return to its own offices or the moon first?

Instead of launching plans to buy or build a new building, the agency should find habitable space within another underutilized government building to land in.

Selling unneeded and unused government property can also generate revenue, but doing so is a long lengthy, costly, and bureaucratic process.²⁰⁵

To expedite the procedures, Congress passed the Federal Assets Sale and Transfer Act of 2016 (FASTA). The law established the Public Buildings Reform Board (PBRB) to identify underutilized



The new space race is on: Will NASA return to its own offices or the moon first?

properties to be put up for sale by the GSA, but only after the White House Office of Management and Budget (OMB) approves the recommendations.²⁰⁶

While the law resulted in the sale of ten unneeded properties for a total of \$194 million, problems persist.²⁰⁷

OMB has blocked PBRB recommendations, causing significant delays and multiple PBRB

member resignations.²⁰⁸ When OMB rejected the second round of recommendations, taxpayers lost out on \$2.5 billion in potential proceeds.²⁰⁹ OMB halted the sale of a National Archives and Records Administration (NARA) facility in Seattle, Washington, with a deferred maintenance backlog of \$2.5 million.²¹⁰ While the sale was supported by NARA staff, some members of Congress intervened to keep it open.²¹¹

A recent sale provides great case studies on both how to and how not to get rid of an unneeded government building.

Taxpayers will see a total return of more than half-a-billion from the sale of the Chet Holifield Federal Building, better known as the “Ziggurat,” located in Orange County, California.



But just a year ago it looked like taxpayers would be stuck with the Ziggurat as a result of bureaucratic incompetence. GSA ignored warnings from real estate experts and the PBRB that imposing historic preservation requirements on any buyer would discourage potential buyers from putting in a bid.²¹²

They were right. When GSA initially put the Ziggurat up for sale at a price of \$70 million with the historic preservation requirements, there were no buyers.²¹³

Then GSA tried again. The building was put back on the auction block, but without the historic preservation requirements.²¹⁴ A frenzy of bidding continued for months. The building eventually sold for **\$177 million**, more than **twice** the original asking price²¹⁵ and a record price for a federal auction.²¹⁶

Lessons learned: Reducing red tape attracts more buyers, saves time, and maximizes the return for taxpayers.

These takeaways should be applied to the sale of other underutilized properties.

Downsizing government to the appropriate level first and foremost requires agencies to know how much space is needed for the in-person workforce. But OMB, which heads the Federal Real Property Council,²¹⁷ is years behind developing the metrics needed for determining the amount of excess property agencies own or lease.²¹⁸ OMB reports it is still “developing occupancy metrics that will require the calculation of average occupancy in federal buildings in the near term,”²¹⁹ which is creating “uncertainty about how to measure utilization.”²²⁰

As long as the government avoids setting firm rules requiring consistent in-person employee attendance, billions of taxpayer dollars will continue being wasted on empty, unused, and unneeded office space.

The bottom line for bureaucrats is simple: Use it or lose it!

Union Members Show Up to the Office Demanding the Right to Stay Home

Government employees showing up to work shouldn't make headlines. But they are.

Bureaucrats from the Department of Labor gathered together earlier this year, not to do the business of the people, but to protest for their "right to work remotely."²²¹

If that isn't rich enough, the event occurred outside of a federal building named in honor of John F. Kennedy, the president who inspired the nation with his call to public service: "Ask not what your country can do for you — ask what you can do for your country."

Kennedy's call is being flipped upside down by bureaucrats not asking but demanding telework be a guarantee for government employees.

These public employee union members know showing up makes a difference and that is why they are protesting in-person.

Some local federal employee unions want the stay-at-home order intended to protect civil servants from a once-in-a-century public health emergency to be the new norm.

In his 2022 State of the Union Address, President Biden pledged that "the vast majority of federal workers will once again work in person."²²² Nearly three years later, the headquarters of every major government department and agency in the Capital remain mostly empty.²²³

When the White House called on agencies "to substantially increase meaningful in-person work at Federal offices" in April 2023,²²⁴ union bosses quickly dismissed the directive.

"The administration's new guidance on agency work environments does not override collective bargaining agreements in effect at the agencies where we represent frontline employees," the president of the National Treasury Employees Union President responded. "This means that for the vast majority of our members, their access to telework — which varies among agencies and types of jobs — will remain unchanged."²²⁵

Apparently, the president of a public employees union, not the President of the United States, is deciding personnel policy for the U.S government.

Fearing this balance could tip, the race is on across the federal government to ratify unions and teleworking rights ahead of President-elect Trump's inauguration. For the first time ever, DOJ attorneys are organizing, not to defend taxpayers or victims of crime, but rather to fend off calls to return-to-work on their behalf. "Civil rights and environmental lawyers are rushing to certify first-ever union representation at the Justice Department just before another Trump administration... in large part due to dissatisfaction with the department's return-to-office mandates." According to the lawyers leading the effort, "an [Environment and Natural Resources Division] attorney union will help ensure that our voices are heard on important issues like return-to-office policies and the uncertain future of civil service protections."²²⁶

The unions' unrelenting demands to work when, where, and even if they want are draining federal resources through prolonged and excessive legal processes.

“I believe we are at the very infant stages of these lawsuits, and in the next two or three years, we are going to see employees file these cases with increasing regularity in state and federal courts across the United States,” predicts an attorney with a Washington, D.C., law firm. “The sudden and pervasive manner in which the concept of remote work became a mainstay in the employment relationship deprived employers of the opportunity to deliberately and prudently institute remote-work policies in a systematic fashion. ... As a practical matter, this makes for a fertile environment for unlawful action and employee discontent.”²²⁷

That is exactly what is happening with unions filing lawsuits and grievances opposing efforts increasing in-person office time.

Even under President Biden, agencies faced stiff union objections to bringing employees back to the office for as few as just two days a week.²²⁸

When the Defense Logistics Agency required employees to show up three days a week, the American Federation of Government Employees union filed two separate complaints alleging unfair labor practices with the Federal Labor Relations Authority.²²⁹

The Treasury Department,²³⁰ HUD,²³¹ the Environmental Protection Agency (EPA),²³² the Centers for Medicare & Medicaid Services,²³³ the National Weather Service,²³⁴ the U.S. Equal Employment Opportunity Commission,²³⁵ and other agencies have all been hit with union telework complaints.

The Federal Labor Relations Authority (FLRA), a board that settles complaints and disputes between federal employee unions and management of government agencies, has decided over 35 cases involving telework disputes since 2020. This represents a significant portion of its caseload.²³⁶ Likewise, telework-related issues have dominated the agenda of the Federal Services Impasses Panel (FSIP), where unions and agencies go to resolve fundamental disagreements when negotiating collective bargaining agreements.²³⁷

Department of Labor (DOL) Acting Secretary Julie Su, a strong proponent of forcing workers to unionize against their wishes,²³⁸ hasn't even been able to satisfy the demands of the stay-at-home union members. After months of negotiations, the union refuses to accept DOL's requirements for employees to come to the office at least five out of every ten business days.²³⁹

Government Executive reports, “over the summer, the issue reached the Federal Service Impasses Panel, but following a fruitless 11-hour mediation session, the department argued that the union's proposals improperly interfered with management's rights to assign work and direct employees and are therefore nonnegotiable.” The union is exploring next steps, which could include an arbitrated grievance process or unfair labor practice complaint.²⁴⁰

While the department went back and forth with the union representatives over the past year and a half, the union members staged multiple in-person protests at DOL offices demanding the right to stay home.

While one group picketed at a DOL field office in Boston, Massachusetts,²⁴¹ more than 30 other union members showed up to stage an in-person protest outside DOL's headquarters building in Washington, D.C.²⁴² The expansive building is capable of accommodating nearly 5,000 employees, yet fewer than 500 are showing up for work there on a daily basis.²⁴³ Taxpayers are being charged **more than \$182,000 per employee a year** to cover operating and maintenance expenses at the mostly empty DOL headquarters, according to the Public Buildings Reform Board.²⁴⁴



Department of Labor employees show up at the office to protest the right to stay home.²⁵⁸

Other agencies are simply giving into the demands to avoid similar standoffs.

The Defense Health Agency (DHA) signed an agreement with its union representing 38,000 employees essentially permitting full-time “situational telework.” Employees may “determine their own schedule within the limits set” and “all eligible employees may request a telework arrangement and requests will not be unreasonably denied.”²⁴⁵ The national union president says this “ensures basic union rights and protections for all DHA employees.”²⁴⁶

While the agreement directs the agency to verify the official duty station of an employee, there is no requirement for employees to confirm the location from where they are teleworking, or by what means the agency is supposed to verify what the employee says.²⁴⁷ This omission compromises the agency’s ability to detect and prevent locality pay fraud, which we know is a problem occurring in other government departments and offices.²⁴⁸

After negotiating for more than two years, the EPA gave in to union demands.²⁴⁹ A new collective bargaining agreement allows more than 8,000 EPA employees—a plurality of its workforce²⁵⁰ — to show up at work just **one day a week**. These terms could last until 2028.²⁵¹

Employees who rarely come to the office are even filing grievances demanding their own dedicated workspace so they don’t have to share when they do decide to grace the place with their presence.²⁵²

One dispute relates to the number of days a Department of Energy (DOE) employee would have to be physically present in the office to guarantee their own office.²⁵³ It’s a particularly interesting squabble, since as few as eight employees are being counted as present on an average day at DOE headquarters.²⁵⁴ Why settle for just an office when you could claim an entire floor of the building as your own!

DOE calculates each dedicated workspace costs \$100 per day, or about \$25,000 per year, to maintain. The union’s demands would require two to three times more total office seats than the department’s plan, costing an extra \$25,000 to \$50,000 per year per seat despite lower total office usage.²⁵⁵

Regardless of these costs, the FLRA sides with the unions demands.²⁵⁶

In a separate case, the FLRA sided again with unions, nullifying the Federal Election Commission’s plan for shared workspace for employees who spent 40 percent or less of their time in the office.²⁵⁷

Government employee unions are using every possible means to delay and prevent government agencies from bringing employees back to the office on a more regular basis. And government boards are siding with the unions. Rather than litigating over whether employees should be in the office 10, 20, or 40 percent of the time, it’s easier for agencies to roll over and acquiesce to unions’ demands.

Perhaps they need reminding public service is about just that—public service. Each of us who work for the taxpayers ultimately must be accountable and transparent. The demands of the government employee unions are intended to do just the opposite.

If members of government employee unions can show up to the office to protest for themselves, they can show up to the office to work for taxpayers.

Recommendations

Making Telework Work for Taxpayers

A highly talented, effective, and dedicated government workforce providing the level of public service taxpayers deserve is essential to restore Americans' confidence in Washington.

Many public sector jobs are stressful and demanding.

Telework offers opportunities to increase employee satisfaction, retain talent, reduce taxpayer costs, and relocate much of the bureaucracy outside of the Washington Beltway permanently.

But telework must work for taxpayers, not just bureaucrats. The success of flexible work arrangements requires transparency, real-time productivity assessments, and accountability for those not meeting expectations.

It is not fair when slackers are allowed to tarnish the reputations of the hardworking public servants who are showing up and answering the call of duty. It is also not fair for taxpayers to be left on hold by bureaucrats who are phoning it in from bubble baths.

The dramatic decline in office attendance also demands downsizing government space. Wasting billions of dollars heating, cooling, and maintaining largely empty buildings is unconscionable when our national debt is nearing \$36 trillion.

Based upon two years of investigations and ongoing oversight, I recommend the following actions be taken immediately to begin meeting these goals:

1. Relocate Washington's Workforce Across the Country

Bureaucrats do not want to be stuck in offices in Washington, D.C.

Traveling to the nation's capital to meet face-to-face with regulators to discuss federal programs or red tape isn't convenient for most Americans.

There's a simple arrangement to make it work for both: move those making the rules closer to those who live under them. This will provide greater real-world perspective for government agencies while improving opportunities for input from the people expected to comply with red tape and regulations.

- More than 29,000 federal employees are relocated each year. Most government managers say the reassignments achieve cost savings and are effective for skills development.²⁵⁹
- Congress should pass:
 - The *Strategic Withdrawal of Agencies for Meaningful Placement (SWAMP) Act* relocating the headquarters of non-security-related government departments and agencies outside Washington to areas with existing expertise for carrying out the mission and goals of each.

- The *Decentralizing and Reorganizing Agency Infrastructure Nation-wide To Harness Efficient Services, Workforce Administration, and Management Practices (DRAIN THE SWAMP) Act* relocating at least 30 percent of the employees from the Washington, D.C. headquarters of non-security-related government departments and agencies to field offices in communities across the country.
- The White House and executive branch agencies could also relocate some staff without a congressional directive to do so.

2. Sell Off Unnecessary and Unused Office Space

Congress set a goal for all agencies to achieve a 60 percent daily occupancy at their headquarters.²⁶⁰ Not a single one is even at half capacity. There are thousands of other government buildings around the country sitting totally vacant and unused. Much of this is leased space.

There is a simple answer: Use it or lose it!

- The General Services Administration should auction off vacant, unneeded, and underutilized buildings and property without unnecessary strings and conditions.
- Agencies should immediately cancel or allow to expire the \$15 million worth of underutilized leased office space and property.
- If departments and agencies are not utilizing at least 60 percent of their office space, coworking arrangements should be made for consolidating and sharing space with other agencies.
- Congress should pass:
 - The bipartisan *Federal Assets Sale and Transfer Act (FASTA) Reform Act* extending the Public Buildings Reform Board's mission identifying unused properties for the government to sell.
 - The *Utilizing Space Efficiently and Improving Technologies (USE IT) Act* requiring the reduction and consolidation of unused space to ensure all buildings achieve a utilization rate of 60 percent or more.
- The Government Accountability Office should examine the administrative office space of courthouses across the country to identify opportunities for reducing space and saving money. The judiciary occupies more than 500 buildings covering over 61 million square feet, costing taxpayers over \$500 million annually to operate and maintain.

3. Performance Must Determine Whether Employees May Telework

Many federal employees say working from home improves both productivity and job satisfaction as a result of fewer distractions, less time wasted commuting, and greater work/life balance.

But taxpayers are frustrated when they can't get ahold of AWOL employees or when they're left waiting for service backlogs.

If, whether, and how often each employee is allowed to telework must be determined by that employee's individual performance. Effective management means ending blanket teleworking determinations made without regard for the quality of each employee's work.

Are there excessive backlogs and delays? Are goals and deadlines being met? Are employees putting in the hours they are being paid? Are teleworkers coming to the office as frequently as required?

You can't measure something you aren't tracking.

Taxpayers and federal employees must be aware of the government's telework policies and how they are affecting the delivery of services and accomplishing agencies' missions. Likewise, heads of agencies and managers need to know when, and if, employees are showing up to work or working when they do show up.

The vast majority of private sector employers use some form of digital tracking—be it keystroke, network traffic, or email volume—to ensure employees are on the job.²⁶¹ While knowing employees are working the hours they are being paid for, the true measure should be performance and outcomes. The U.S. Office of Personnel Management (OPM) recently directed agencies to collect, analyze, and summarize remote work data to “demonstrate links between remote work and productivity and outcomes, including employee engagement,”²⁶² however, there is much more the federal government must be doing to measure telework.

- Agencies should track logins from computers and swipe-ins at offices. This information should be used to track building utilization, ensure teleworkers are complying with employment agreements, and verify employees are receiving the appropriate locality pay.
- Congress should pass:
 - The *Stopping Home Office Work's Unproductive Problems (SHOW UP) Act* reinstating the telework policies in place prior to the COVID-19 pandemic and requiring a substantial positive effect on the agency's mission and operational costs be demonstrated before teleworking can be expanded.
 - The bipartisan *Telework Transparency Act*²⁶³ establishing clear standardized data collection requirements and metrics to grade agencies' performance. The bill also requires an annual report detailing how telework policies are impacting taxpayers' experiences interacting with agencies, backlogs and wait times, and the disposal of unneeded and underutilized property. Agencies would be measured on building utilization, telework oversight, and quality control and the steps being taken to improve performance for all three metrics.
 - The *Requiring Effective Management and Oversight of Teleworking Employees (REMOTE) Act* measuring the impact of teleworking policies on productivity by requiring agencies to compare employees' work product done in-person and while teleworking.
- The inspectors general who haven't yet conducted the reviews of telework policies I requested in 2023 should do so.

4. Stop Paycheck Padding

Some bureaucrats are padding their paychecks by claiming official worksites in areas with higher pay rates while actually living elsewhere. My audits are finding as many as 23 to 68 percent of teleworking employees for some agencies are boosting their salaries by receiving incorrect locality pay.²⁶⁴

Digital records can identify the locations from where an employee is logging onto a computer or swiping an access card to enter a building, which should make it relatively easy to determine the primary location of any employee. Every federal employee's official worksite should be accurate at all times, with no exceptions.

- OPM must update and clarify the definition for "official worksite" to determine pay based on where employees spend most of their time working rather than the location of an office they may only visit a few times a pay period.
- Agencies should track logins from computers and swipe-ins at offices. This information should be used to verify employees are receiving the appropriate locality pay.
- Overpayments made in error should be recouped through salary offsets, in which a certain amount is deducted from future paychecks until paid off in full. The Department of Justice should prosecute fraudulent overpayments and pursue restitution by making those found guilty return the stolen money to taxpayers. Retirement from federal service should not be a get-out-of-jail-free card.
- OPM must update the regulations currently allowing attendance requirements to be waived for determining locality pay to set reasonable limits on what circumstances warrant an attendance waiver.
- The two bills previously mentioned provide additional tools to stop paycheck padding. The bipartisan *Telework Transparency Act* requires independent annual reviews of agencies' efforts to verify teleworking employees are receiving the correct locality pay. The *Requiring Effective Management and Oversight of Teleworking Employees (REMOTE) Act* tracks the location from where employees are working, providing the information necessary to make these determinations.
- The inspectors general who haven't yet conducted the reviews of locality pay abuses I requested in 2023 should do so.

5. Know And Show Where Workers Are

The tone of every organization is set from the top. The public, the employees of an agency, and especially the president of the United States should know where the head of every department is and what they are doing.

The same is true for the government workforce. Hourly workers have been clocking in and punching out of work for over 100 years.²⁶⁵ Federal employees generally don't clock in, but many government buildings and offices are equipped with swipe card access systems. Swiping in and out with a badge allows entry and exit, but also creates an entry log of who is present and when.

Just five percent of the pre-pandemic federal workforce swiped in to a government-leased office in the Washington, D.C. area on an average workday, according to data from the General Services Administration (GSA) analyzed by the real estate firm Cushman & Wakefield.²⁶⁶ Swipe-ins provide valuable information for understanding how many people are walking through the doors. This can help determine the correct amount of office space an agency requires for its workforce and provide a tool to ensure employees are fulfilling in-office requirements of teleworking agreements and receiving proper locality pay. Swipe-in data collection also allows agencies to hold accountable employees who are failing to meet in-office work requirements.

And there is no excuse for redacting the work locations of over 281,000 rank-and-file federal employees.²⁶⁷

- Every Cabinet secretary and agency head should post their daily schedule online.
- All federal employees and contractors working out of federally owned or leased space should be required to swipe in and out of the office.
- The official work locations, titles, and job descriptions of all non-security-related federal employees should be made a-vailable on an annual basis.

Five Questions for the Incoming Cabinet

As part of the confirmation process for the next administration in 2025, all nominees selected to head departments and agencies must answer the following five questions:

1. Will you share your daily schedule with the public?
2. How will you achieve the 60 percent utilization goal for your headquarters building set by Congress?
3. How frequently will you require each employee of the agency, including those covered by collective bargaining agreements, to show up to work and what disciplinary measures are appropriate for those who do not meet your requirement?
4. Will you disclose the locations, titles, and job descriptions of all of your agency's non-security-related employees?
5. Will you provide no less than every six months a summary of the backlogs on services provided by your agency as well as the waiting times for phone calls and number of unanswered calls to the agency?

Five Bills Congress Must Pass

Congress must pass the following five bills to make telework transparent and accountable:

1. The Telework Transparency Act
2. FASTA Reform Act
3. The SHOW UP Act
4. SWAMP Act/REMOTE Act
5. USE IT Act

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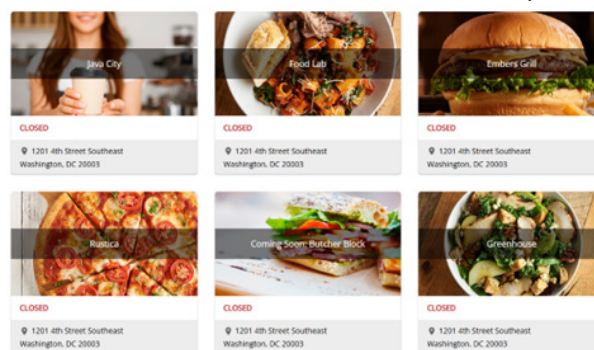
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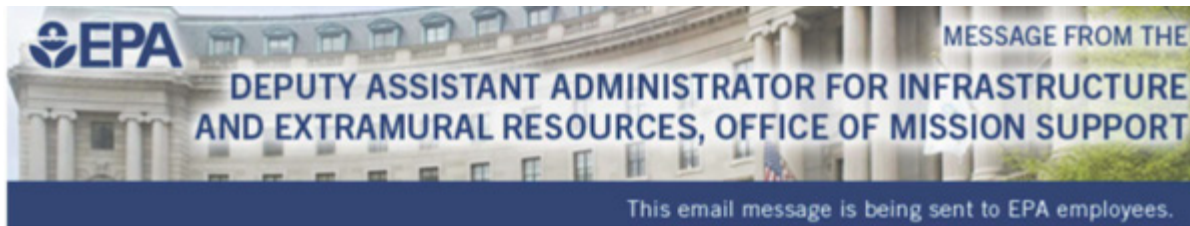
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EPA Headquarters Colleagues,

Our use of and need for space in the workplace have evolved considerably over the past few years. With the expansion of remote work and telework since the pandemic, our demands on our physical workplace have changed. To accommodate the change, the agency has made considerable investments in IT tools and facility modifications to support a hybrid workforce that fosters a collaborative office work environment.

Just as we needed to rethink the tools and space layouts necessary to work in a hybrid environment, with fewer employees regularly coming into the office, we need to reconsider the agency’s physical footprint, especially as lease costs continue to escalate. EPA’s headquarters space in the Federal Triangle costs over \$90 million annually. That accounts for 40% of our facilities’ lease costs; however, with many staff on remote and telework schedules, much of our space is unoccupied from week to week.

In the final Fiscal Year 2024 budget, Congress requires agencies to report federal facilities that are not achieving a 60% occupancy threshold. In the current 118th Congress, bipartisan bills in the House and Senate would enforce that threshold. To meet a 60% occupancy rate, EPA would have to release multiple buildings in the Federal Triangle. Whatever the appropriate threshold is for our space use, as good stewards of taxpayer dollars, we cannot continue operating with so much of our space underused. By freeing up some space, EPA can invest rent savings into facility modifications and improvements to strengthen a collaborative in-office setting essential for the hybrid work environment.

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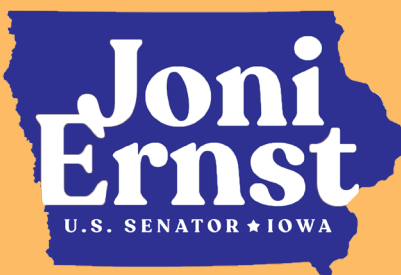
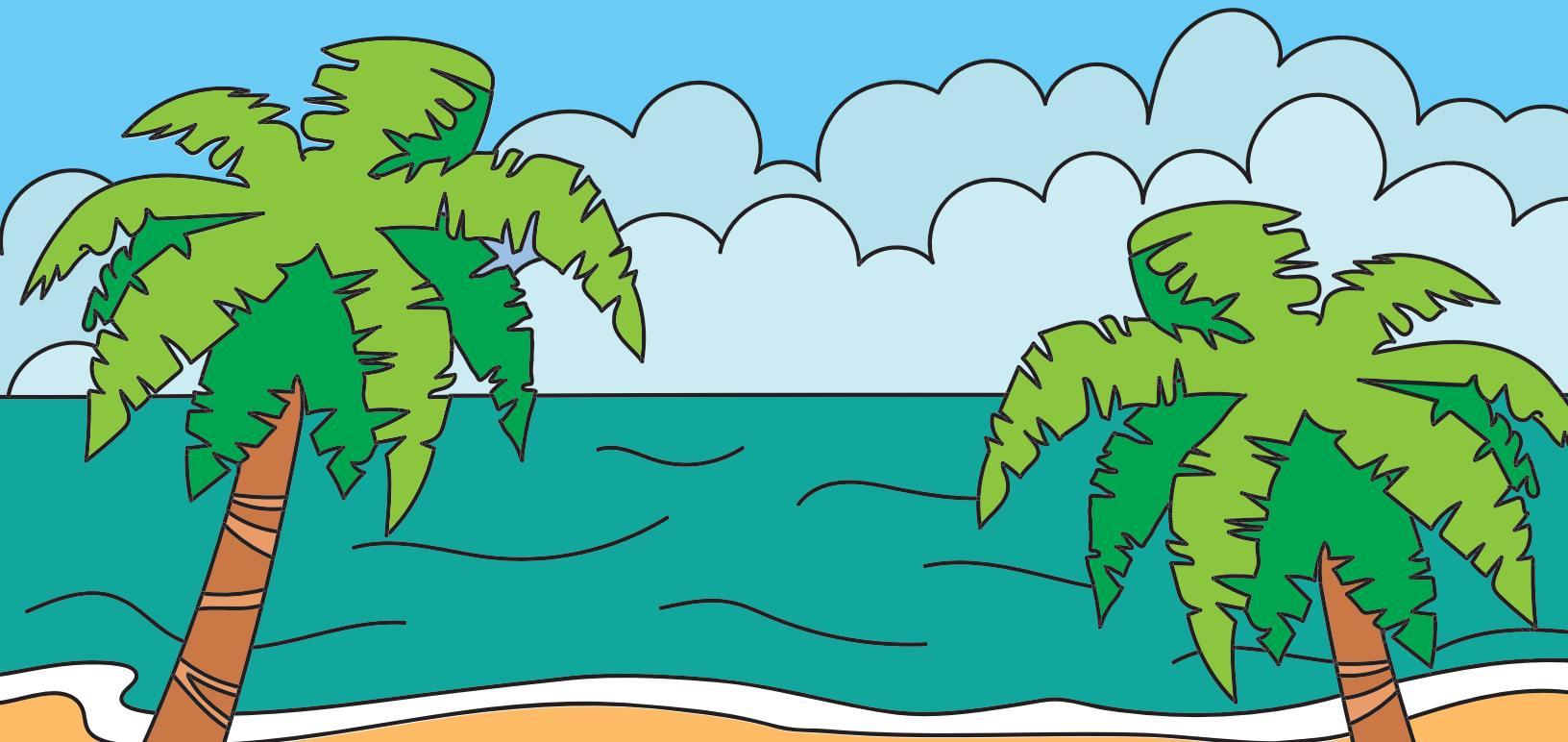
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@SenJoniErnst



260 Russell Senate Office Building
Washington, DC 20510
(202) 224-3254
ernst.senate.gov