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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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August 12, 2022

Delivered via Email

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Ave, S.W.
Washington, D.C. 20201

Dear Xavier,

For the fourth time, I write seeking information about the Department of Health and Human Services' (HHS) management of telework. This letter is necessary because, despite my numerous requests, HHS has provided zero data about how it tracks remote work. In addition, for nearly two months, your staff has told my staff that information is forthcoming, but I continue to wait for answers. This is unacceptable and baffling especially as more public questions have been raised about how many HHS remote employees are regularly accessing their computers. Therefore, to dispel these questions, I would expect you would want to quickly produce productivity data and metrics on remote work.

As I've written to you previously, I am in receipt of troubling information suggesting that up to one-third of HHS's employees did not log onto their government furnished computer equipment on an average work day during the first year of the pandemic. At a July 21, 2022, hearing held by a subcommittee of the House Committee on Oversight and Reform, Representative Jody Hice (R-GA) asked the Director of the Office of Personnel Management (OPM) about this report,¹ which has been reported in the press.² OPM claimed ignorance, which sparked Chairman Gerry Connolly (D-VA) to echo the importance of getting to the bottom of it.³

In addition, and in contrast to HHS's obstruction, the Department of Education (ED) willingly provided its Virtual Private Network (VPN) data and other metrics that it has used to track remote employees' work habits since April 2020. For example, its data shows that each remote employee averages seven Microsoft Teams calls per day. Further, ED provided information on

¹ <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Ahuja%20Testimony.pdf>

² See: <https://freebeacon.com/latest-news/quarter-of-federal-health-workers-failed-to-check-email-amid-pandemic-report-reveals/>; see also: <https://www.govexec.com/workforce/2022/07/biden-officials-defend-telework-policies-assailed-republicans/374783/>

³ <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Ahuja%20Testimony.pdf>

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how many employees had been disciplined for being unaccounted for while working remotely. ED's ability and willingness to provide the information I requested only adds to the concern that HHS is asleep at the wheel, or it has something to hide, when it comes to accountability for remote work.

As such, I renew my request for answers to the following information requests in order to determine how the Department is managing telework by August 23, 2022.

1. The rates of workers logging in through the VPN or Microsoft 365 since your Department declared maximum telework.
2. The rate that employees are authenticating into the system and how long an authentication stays active on a daily basis.
3. How many employees are logging into their email on a daily basis.
4. The rate of employees' Microsoft Teams usage, or its equivalent, on a daily basis.
5. A breakout of these rates in questions 1-4 by subagency or division.
6. A comprehensive chart of progressive discipline actions taken once it is determined an employee is not logging in to the system.
7. Details regarding the utilization of cell phones or other technology designed to assist work.
8. Any modifications made to the Department or subagencies' collective bargaining agreements to allow for remote work after re-entry is authorized.

Further, as requested in previous correspondence, I ask you provide the reentry plan for the Department nationwide and an assessment of the implementation of this plan to date.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Richard Burr', with a stylized flourish at the end.

Richard Burr