

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<https://oversight.house.gov>

May 7, 2024

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

We write requesting information about how your agency is eliminating employment barriers and advancing employment opportunities for military and civilian families who serve this nation overseas.¹ The Fiscal Year 2022 National Defense Authorization Act (NDAA) required federal agencies to clarify remote work for federal employees who normally perform their work within the United States but are unable to because their spouses are deployed overseas. Telework is essential to military spouses employed by the federal government who are “pulling double duty” as they simultaneously serve our country and support their spouse’s military career.²

Military-connected families face similar challenges to countless families across the United States, in addition to the unique demands of military service.³ For example, active-duty military families face “permanent change-of-station moves every 2 to 3 years on average” often with little or no control over their assignments.⁴ Each move can result in a spouse quitting their

¹ The White House, *FACT SHEET: Biden-Harris Administration Announces New Actions to Expand Overseas Telework Opportunities & Streamline Approvals for Military Spouses Employed by the Federal Government* (Apr. 17, 2024) (online at www.whitehouse.gov/briefing-room/statements-releases/2024/04/17/fact-sheet-biden-harris-administration-announces-new-actions-to-expand-overseas-telework-opportunities-streamline-approvals-for-military-spouses-employed-by-the-federal-government/).

² Committee on Oversight and Accountability, Subcommittee on Government Operations and The Federal Workforce, *Hearing on Oversight of Federal Agencies’ Post-Pandemic Telework Policies*, Military Spouses Statement for the Record (Sept. 14, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-mfume-s-opening-statement-at-subcommittee-hearing-on-federal>).

³ “For decades, military spouses have faced challenges in transferring their professional licenses when they make a military-required move with their servicemember spouse. Transferring a professional license is both expensive and time consuming and can cause significant impacts on a family’s income.” House Armed Services, *Press Release: Quality of Life Panel Releases Bipartisan Report* (Apr. 11, 2024) (online at <https://armedservices.house.gov/sites/republicans.armedservices.house.gov/files/QoL%20One%20Paggers%204%2015%20FINAL.pdf>).

⁴ The White House, *Executive Order 14100—Advancing Economic Security for Military and Veteran Spouses, Military Caregivers, and Survivors* (June 9, 2023) (online at www.whitehouse.gov/briefing-

job, which may compromise their ability to maintain their career trajectory.⁵ The military spouse population—of which 90% are women—faces a 21% unemployment rate that has remained nearly constant for the past three decades.⁶ That rate is nearly six times the national average, making it increasingly difficult for military families to achieve financial security.⁷ As a result, nearly one in five military families point to spousal employment as a reason for leaving military service⁸

Military and foreign services spouses performing duties overseas are known within the federal government as a Domestic Employee Teleworking Overseas (DETO), which the Office of Personnel Management (OPM) defines as a “Civil Service or Foreign Service employee assigned to a domestic position who is approved to telework from an overseas location for a limited period of time.”⁹ Expanding overseas telework and remote work opportunities for DETOs will increase career opportunities for military and other civil servant families assigned to serve overseas. Congress enacted provisions in the Fiscal Year 2022 NDAA to advance opportunities for military families, including a requirement that all federal agencies:

[E]stablish a policy enumerating the circumstances under which employees may be permitted to temporarily perform work requirements and duties from approved overseas locations where there is a related Foreign Service assignment pursuant to an approved Domestically Employed Teleworking Overseas (DETO) agreement.¹⁰

Expanding telework and remote work opportunities for DETOs is one component of the Biden-Harris Administration’s efforts to support military families and other civil servant families assigned to serve overseas. For example, the Biden-Harris Administration is expanding overseas telework opportunities and streamlining the approval process of overseas housing safety standards for military spouses.¹¹ Additionally, on June 9, 2023, President Biden issued

room/presidential-actions/2023/06/09/executive-order-on-advancing-economic-security-for-military-and-veteran-spouses-military-caregivers-and-survivors/).

⁵ *The DoD's PCS Help for Career-Minded Military Spouses* (Eddy Mentzer, *DoD Spouse Career Programs Lead*), Military.com (Apr. 19, 2023) (online at www.military.com/podcasts/pcs-military/dods-pcs-help-career-minded-military-spouses-eddy-mentzer-dod-spouse-career-programs-lead.html).

⁶ *Id.*; *How Many Military Spouses are Employed by the Federal Government?*, USA Facts (Feb. 9, 2023) (online at <https://usafacts.org/articles/how-many-military-spouses-are-employed-by-the-federal-government/>).

⁷ The White House, *Executive Order 14100—Advancing Economic Security for Military and Veteran Spouses, Military Caregivers, and Survivors* (June 9, 2023) (online at www.whitehouse.gov/briefing-room/presidential-actions/2023/06/09/executive-order-on-advancing-economic-security-for-military-and-veteran-spouses-military-caregivers-and-survivors/).

⁸ *Id.*

⁹ Office of Personnel Management, *Domestic Employees Teleworking Overseas (DETO)—Locality Pay* (online at www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/domestic-employees-teleworking-overseas-deto-locality-pay/).

¹⁰ Exec. Order No. 14100, 88 Fed. Reg. 39111 (June 9, 2023). According to OPM, the language “related Foreign Service assignment” used in that provision “refers to the overseas assignment of an employee’s spouse by U.S. Government orders.”

¹¹ The White House, *FACT SHEET: Biden-Harris Administration Announces New Actions to Expand Overseas Telework Opportunities & Streamline Approvals for Military Spouses Employed by the Federal*

Executive Order (EO) 14100, “Advancing Economic Security for Military and Veteran Spouses, Military Caregivers, and Survivors,” which laid out a “plan to address unemployment for the 16,000+ military-connected spouses in the federal workforce.”¹² OPM has also released a government-wide strategic plan on military connectedness for fiscal years 2024 to 2028, which seeks to “support agencies in their efforts to recruit, hire, and retain military-connected spouses, caregivers, and survivors within the federal government,” and developed government-wide standards for agencies’ DETO programs aimed at providing workplace flexibilities for military and foreign service spouses.¹³

Military-connected and other civil service families have been and continue to make major sacrifices to serve our country. As the largest employer in the nation, the federal government has an obligation to military families who deserve “nothing less than the dignity of a meaningful career and the opportunity to build economic security.”¹⁴ It is important that agencies recruit, hire, develop, promote, and retain a skilled and diverse pool of talent—which must include military-connected families. As a result, we are interested in obtaining information about how your agency is implementing EO 14100 and prioritizing increased access to remote work and telework opportunities for military families.

Please provide Committee Democrats with the requested documents and written responses to the following questions by May 21, 2024:

1. A copy of your agency’s DETO policy.
2. On what date was your agency first in compliance with Section 6202 of the Fiscal Year 2022 NDAA?
3. If your agency is not in compliance with Section 6202 of the Fiscal Year 2022 NDAA, please provide a detailed timeline for when your agency will be in compliance and the title of the individual at your agency in charge of ensuring compliance with Section 6202 of the NDAA.
4. Does your agency track the number of military-connected and other foreign service spouses it employs?

Government (Apr. 17, 2024) (online at www.whitehouse.gov/briefing-room/statements-releases/2024/04/17/fact-sheet-biden-harris-administration-announces-new-actions-to-expand-overseas-telework-opportunities-streamline-approvals-for-military-spouses-employed-by-the-federal-government/).

¹² Exec. Order No. 14100, 88 Fed. Reg. 39111 (June 9, 2023)

¹³ The White House, *FACT SHEET: Biden-Harris Administration Announces Sweeping Executive Actions to Strengthen Economic Opportunity for Military and Veteran Spouses, Caregivers, and Survivors* (June 9, 2023) (online at www.whitehouse.gov/briefing-room/statements-releases/2023/06/09/fact-sheet-biden-harris-administration-announces-sweeping-executive-actions-to-strengthen-economic-opportunity-for-military-and-veteran-spouses-caregivers-and-survivors/); Office of Personnel Management and Office of Management and Budget, *Government-wide Military-Connected Strategic Plan for Fiscal Years (FYs) 2024–2028* (Feb. 27, 2024) (online at <https://chcoc.gov/sites/default/files/FY24-28%20Gwide%20Military-Connected%20Strategic%20Plan%202-27-24.pdf>).







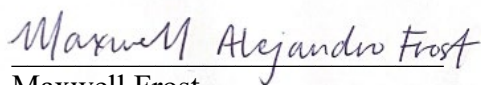
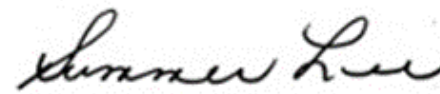

¹⁴ *Id.*

- a. If so, how many military-connected and foreign service spouses are employed at your agency? Please provide these data annually for the past ten years through present day.
 - b. If so, how many of those spouses are currently DETOs? Please provide these data annually dating back to the inception of your DETO program to the present.
 - c. If so, how many military-connected and foreign service spouses have separated from your agency? Please provide these data annually for the past ten years through present.
 - d. If so, how many of the military-connected and foreign service spouses who separated from your agency applied for a DETO? How many of those spouses' requests for a DETO did the agency accept or decline? Please provide this data annually dating to the inception of your agency's DETO program.
5. How many employee DETO agreements have been active at your agency each year since the inception of the program at your agency?
6. As of the date of receipt of this letter, how many employees at your agency have an active DETO agreement in place?
7. As of the date of receipt of this letter, how many DETO agreement requests from employees are currently pending a determination at your agency?
8. Please provide a list of all the reasons your agency has denied requests for DETO flexibilities and the number of times that reason was used to deny a request from 2023 through present.
9. Does your agency conduct exit interviews with military-affiliated spouses when they decide to separate from the agency?
 - a. If not, why not?
 - b. If so, how many separating military spouses have indicated that an inability to perform their duty via telework or remote work prompted their separation?
10. Please describe the practices your agency employs to ensure that all military-connected families are notified of the laws and policies in place authorizing their access to special pay and hiring provisions in the federal sector.
 - a. Please provide materials your agency has created or sent to employees to educate and promote DETO flexibilities.

The Committee on Oversight and Accountability is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

If you have any questions regarding this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this matter.

Sincerely,


Jamie Raskin
Ranking Member
Kweisi Mfume
Ranking Member
Subcommittee on Government
Operations and the Federal
Workforce
Eleanor Holmes Norton
Member of Congress
Stephen F. Lynch
Member of Congress
Gerald E. Connolly
Member of Congress
Robert Garcia
Member of Congress
Maxwell Frost
Member of Congress
Summer Lee
Member of Congress
Greg Casar
Member of Congress
Jasmine Crockett
Member of Congress

A handwritten signature in blue ink that reads "Rashida Tlaib". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Rashida Tlaib
Member of Congress

cc: The Honorable James Comer, Chairman

The Honorable Pete Sessions, Chairman
Subcommittee on Government Operations and the Federal Workforce