

MAJORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,
Chairwoman

JOE WILSON, SOUTH CAROLINA
GLENN THOMPSON, PENNSYLVANIA
TIM WALBERG, MICHIGAN
GLENN GROTHMAN, WISCONSIN
ELISE M. STEFANIK, NEW YORK
RICK W. ALLEN, GEORGIA
JIM BANKS, INDIANA
JAMES COMER, KENTUCKY
LLOYD SMUCKER, PENNSYLVANIA
BURGESS OWENS, UTAH
BOB GOOD, VIRGINIA
LISA C. MCCLAIN, MICHIGAN
MARY E. MILLER, ILLINOIS
MICHELLE STEEL, CALIFORNIA
RON ESTES, KANSAS
JULIA LETLOW, LOUISIANA
KEVIN KILEY, CALIFORNIA
AARON BEAN, FLORIDA
ERIC BURLISON, MISSOURI
NATHANIEL MORAN, TEXAS
JOHN JAMES, MICHIGAN
LORI CHAVEZ-DEREMER, OREGON
BRANDON WILLIAMS, NEW YORK
ERIN HOUCHEIN, INDIANA



COMMITTEE ON
EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,
Ranking Member

RAÚL M. GRIJALVA, ARIZONA
JOE COURTNEY, CONNECTICUT
GREGORIO KILLI CAMACHO SABLÁN,
NORTHERN MARIANA ISLANDS
FREDERICA S. WILSON, FLORIDA
SUZANNE BONAMICI, OREGON
MARK TAKANO, CALIFORNIA
ALMA S. ADAMS, NORTH CAROLINA
MARK DESAULNIER, CALIFORNIA
DONALD NORCROSS, NEW JERSEY
PRAMILA JAYAPAL, WASHINGTON
SUSAN WILD, PENNSYLVANIA
LUCY MCBATH, GEORGIA
JAHANA HAYES, CONNECTICUT
ILHAN OMAR, MINNESOTA
HALEY M. STEVENS, MICHIGAN
TERESA LEGER FERNÁNDEZ,
NEW MEXICO
KATHY E. MANNING, NORTH CAROLINA
FRANK J. MRVAN, INDIANA
JAMAAL BOWMAN, NEW YORK

March 6, 2024

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Cardona:

In September 2022, President Biden declared “the pandemic is over.”¹ Yet, several agencies across the federal government continue to follow policies or otherwise allow large numbers of employees to work remotely.² In this regard, the Government Accountability Office (GAO) found the Department of Education (ED) was using only about 16 percent of its headquarters’ space on average.³ One of the primary reasons for the low utilization was the agencies’ in-office workforce had not returned to pre-pandemic levels.⁴

Even the White House understands that low in-person attendance at federal agencies is a problem. On January 19, 2024, the White House Chief of Staff, Jeff Zients, transmitted an email to agency and department heads asking about their progress on return-to-office policies.⁵ In the email, he asked agencies to submit their return-to-office action plans to the Office of Management and Budget (OMB) by January 26.⁶

The Federal Employee Viewpoint Survey for 2022 confirms White House concerns. The survey found 81 percent of ED’s respondents who live within commuting distance have a telework

¹ Kate Sullivan, Jamie Gumbrecht, Allie Malloy, & Kevin Liptak, *Biden: ‘The Pandemic is Over’*, CNN (Sept. 18, 2022), <https://www.cnn.com/2022/09/18/politics/biden-pandemic-60-minutes/index.html>.

² Ian Smith, *Most Federal Employees Are Still Teleworking*, FEDSMITH.COM (Nov. 8, 2023, 9:35 AM), [https://www.fedsmith.com/2023/11/08/most-federal-employees-are-still-teleworking/#:~:text=One%20of%20the%20things%20that,is%20even%20higher%20\(68%25\)](https://www.fedsmith.com/2023/11/08/most-federal-employees-are-still-teleworking/#:~:text=One%20of%20the%20things%20that,is%20even%20higher%20(68%25)).

³ U.S. GOV’T ACCOUNTABILITY OFF., GAO-24-107006, FEDERAL REAL PROPERTY: AGENCIES NEED NEW BENCHMARKS TO MEASURE AND SHED UNDERUTILIZED SPACE at 8, 19-20 (2023) (hereinafter “GAO UNDERUTILIZED SPACE”), <https://www.gao.gov/assets/d24107006.pdf>.

⁴ *Id.* at 10.

⁵ Hans Nichols, *Scoop: W.H. Demands Proof from Cabinet officials on Return-to-Office*, AXIOS (Jan. 19, 2024), <https://www.axios.com/2024/01/19/zients-biden-cabinet-return-to-office>.

⁶ *Id.*

agreement,⁷ 67 percent telework every day, and 23 percent telework three or four times a week.⁸ This is unacceptable.

Further, prior to the most recent White House concerns, in April 2023, OMB directed agencies “to substantially increase” in-person work at headquarters’ offices.⁹ Thereafter, in an email to the Cabinet on August 4, 2023, Mr. Zients noted that returning to the office was “critical to the well-being of our teams and will enable us to deliver better results for the American people.”¹⁰

As the GAO data clearly demonstrate, the repeated calls of the White House and OMB for a return to in-person work have largely gone unheeded. While return to in-person work was advocated as “a priority of the President,”¹¹ the lack of any significant progress in this area demonstrates that the White House is unable to exercise the most basic management functions over federal agencies. In turn, this appears to be evidence of the failure of Cabinet officials to hold agency employees accountable.

As the Committee with jurisdiction over the “general management of the Department of Education,”¹² it is important for me and Committee members to understand the contents of any post-pandemic return-to-office action plan submitted by ED to the White House or OMB and any other such action plan, regardless of whether submitted to the White House or OMB. GAO’s finding in 2023 that ED was using only about 16 percent of its headquarters’ space appears to indicate major inefficiencies and poor stewardship of taxpayer-funded real property.¹³

Accordingly, the Committee requests copies of all ED post-pandemic return-to-office action plans submitted to the White House or OMB, as well as all return-to-office post-pandemic action plans, regardless of whether they were submitted to the White House or OMB. Please provide the plans, as well as responses to the below requests (instructions attached), no later than March 19, 2024:

1. An Excel spreadsheet with the daily entry and exit data (e.g., raw numbers only) for the Lyndon Baines Johnson Building (LBJ), 400 Maryland Avenue, S.W., Washington, D.C. 20202 from January 21, 2021, through January 31, 2024;
2. An Excel spreadsheet with the daily entry and exit data (e.g., raw numbers only) for LBJ for calendar year 2019.

⁷ 2022 OFFICE OF PERSONNEL MANAGEMENT FEDERAL EMPLOYEE VIEWPOINT SURVEY: REPORT BY AGENCY at 231, <https://www.opm.gov/fevs/reports/data-reports/data-reports/report-by-agency/2022/2022-agency-report.pdf>. The 2022 survey appears to be latest agency-specific survey available.

⁸ *Id.* at 229.

⁹ David Shepardson, *White House Asks Agencies to Step Up Workers’ Return to Offices*, REUTERS (Apr. 13, 2023), <https://www.reuters.com/world/us/white-house-tells-agencies-reconsider-in-person-government-work-plans-2023-04-13/>.

¹⁰ Alex Thompson, *Scoop: Biden Pushes to End Remote Work Era for Feds*, AXIOS (Aug. 4, 2023), <https://www.axios.com/2023/08/04/biden-end-remote-work-federal-employees>.

¹¹ *Id.*

¹² House Rule X, cl. 1(e)(14).

¹³ *Supra* note 3 at 8.

3. Materials sufficient to show the current utilization of space within LBJ;
4. The number of employees who currently report to work at LBJ as an in-person duty location;
5. The White House has directed agencies to have a system for monitoring the progress of returning to the office “fully in place.”¹⁴ If ED has implemented a “system,” provide all records maintained for monitoring the progress of the return-to-office of ED employees and contractors. If ED does not have this system or it is not “fully in place,” provide an explanation of why ED has failed to monitor its progress;
6. An explanation of whether and how ED has ensured all employees are paid in accordance with the locality in which they reside and from which they work, instead of where their duty station is; and
7. All documents and communications between ED and the American Federation of Government Employees related to the development and implementation of all ED post-pandemic return-to-office action plans.

Thank you for your prompt attention to this request. Should the Department have any questions, please feel free to reach out to Gabriella Pistone at Gabriella.Pistone@Mail.House.Gov or 202-225-6558.

Sincerely,



Virginia Foxx
Chairwoman
U. S. House Committee on
Education and the Workforce

Attachment

¹⁴ Hans Nichols, *supra* note 5.