

United States Senate

WASHINGTON, DC 20510

August 7, 2024

The Honorable Gene Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street NW
Washington, D.C. 20548

Dear Mr. Dodaro:

Federal real property management has been on the Government Accountability Office's (GAO) High Risk list for 21 years in part due to the presence of excess and underutilized property.¹ The problem has been getting worse.² Last year, GAO found that federal agency headquarters buildings were underutilized in part due to increased telework.³ We respectfully request an independent review of building utilization at the Department of Transportation (DOT), including all of its operating administrations, the Department of Commerce (DOC), and the Federal Trade Commission (FTC).

GAO's report revealed that the DOT headquarters buildings were utilized at about 14 percent of their capacity in early 2023.⁴ However, the study did not include the rest of DOT's office buildings, or those occupied by DOT's nine operating administrations, which represent hundreds of leased and owned office buildings covering over 10 million square feet.⁵ Per GAO, these buildings cost the taxpayer about \$224 million annually to occupy, operate, and maintain in addition to sizable environmental and opportunity costs. Due to these high costs, it is critical that DOT only occupy the space it uses.

Similarly, GAO considered only the DOC headquarters building but not additional department buildings stewarded by its Office of Real Property Programs or tracked in its Departmental Asset

¹ U.S. GOV'T ACCOUNTABILITY OFF., GAO-24-107006, FEDERAL REAL PROPERTY: AGENCIES NEED NEW BENCHMARKS TO MEASURE AND SHED UNDERUTILIZED SPACE (2023).

² *Id.* at 16 ("The pandemic has lowered the utilization of headquarters office space and has increased the amount of underutilized federal office space.").

³ *Id.* at 7 (noting that during the months of January, February, and March of 2023, 17 of 24 federal agencies used on average an estimated 25 percent or less of the capacity of their headquarters); *cf.* Erich Wagner, *OMB Leader Defends Administration's Approach to Telework*, GOV'T EXEC. (Apr. 30, 2024), <https://www.govexec.com/workforce/2024/04/omb-leader-defends-administrations-approach-telework/396206/>.

⁴ *See* Federal Space Utilization data provided to Sen. Joni Ernst by GAO, https://www.ernst.senate.gov/imo/media/doc/fy23_all_staff-1150574-v1-qfr__pdf_federal_space_utilization_fouo.pdf.

⁵ DEP'T OF TRANS., DOT 4330.3A, OFFICE SPACE DESIGN STANDARD POLICY 2 (Apr. 29, 2024), https://www.transportation.gov/sites/dot.gov/files/2024-04/DOT_Order_4330.3A_Office_Space_Design_Standard_Signed.pdf.

Management System of Record.⁶ While DOC's average headquarters utilization rate was better than that of others, it was still only 36 percent.⁷ The GAO report presents a limited picture because it does not examine the building utilization rate of DOC's components.

Nor did GAO's previous report evaluate the FTC's utilization of property. However, as of June 20, 2023, of the "regularly recurring working staff" at the agency, 60 percent were showing up to work one day a week.⁸ Another 20 percent were showing up to work two days a week.⁹ This suggests comparable building underutilization issues at the FTC. When Commissioner Slaughter appeared before the Senate Commerce Committee last September, she made clear she does not care about this issue, stating whether FTC employees come into the office "is not particularly important to me."¹⁰ It is, however, important to the American people whose taxes pay for empty offices.

GAO should expand on its previous work by formally studying the utilization of headquarters and non-headquarters buildings at DOT, DOC, and FTC. Please provide written answers to the following questions:

1. What are the average daily occupancy statistics for the office buildings occupied by the department or agency and any operating administrations?
2. Based on the average daily occupancy, what are the per-person operating and environmental costs of the office buildings?
3. What are the department's or agency's policies and procedures related to acquiring office furniture and how has it applied those policies since the end of the pandemic restrictions?
4. How do the department or agency and any operating administrations:
 - a. ensure that their teleworking employees follow the terms of their telework agreements, including meeting in-office attendance requirements?
 - b. measure and monitor the productivity of their teleworking employees?
 - c. ensure that their teleworking employees receive the correct locality pay?

⁶ FEDERAL REAL PROPERTY, *supra* note 1.

⁷ Federal Space Utilization, *supra* note 4.

⁸ *Nomination Hearing: Hearing Before the S. Comm. on Commerce, Sci. & Transp.*, 118th Cong. (Sept. 20, 2023) (statement of Sen. Ted Cruz, Ranking Member, S. Comm. on Commerce, Sci. & Transp.).

⁹ *Id.*

¹⁰ *Id.* (Republican Questions for the Record to Rebecca Slaughter).


5. How does the department or agency ensure that personal information is appropriately consistent, and not excessively redacted, from records in response to Freedom of Information Act requests?

Thank you for your time and attention to this important matter. We look forward to hearing from you as soon as possible but no later than September 4, 2024. If you have any questions or concerns, please feel free to reach out to us or our staffs, at Aaron_Gottesman@Ernst.Senate.gov and Robert_Smith@Commerce.Senate.gov, respectively.

Sincerely,



Joni K. Ernst
United States Senator



Ted Cruz
United States Senator