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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

May 31, 2022

Delivered via Email

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

Dear Secretary Becerra:

On May 3, 2022, I sent a follow up letter regarding the inadequate response I received to my January 27, 2022, letter asking questions about the Department of Health and Human Services' (HHS) management of telework. A response was due on May 20, 2022, but HHS failed to respond. In light of the catastrophic failures of the Food and Drug Administration (FDA) to ensure an adequate infant formula supply and Dr. Califf's recent testimony before my Committee that FDA continues to rely primarily on telework, I am requesting this information for the third time.

Since January, it has been apparent that the Department is not adequately managing or overseeing remote work. As indicated in my original letter, I am in receipt of troubling information suggesting that up to one-third of the Department's employees are not logging onto their government issued computer equipment on an average day. Yet, you continue to ignore my questions about this and HHS's overall telework and return to the office posture. Therefore, I am left to infer that you are hiding from me and the American people the truth about how many of your employees are not logging into their computers, or working the hours required. Federal workers receive generous pay and benefits, and the rest of American workers do not have the luxury of being paid while not working.

As such, I again ask for production of the following information by June 3, 2022.

- The rates of workers logging in through the VPN or Microsoft 360 since your Department declared maximum telework.
- A breakout of these rates by subagency or division.

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- A comprehensive chart of progressive discipline actions taken once it is determined an employee is not logging in to the system.
- Details regarding the utilization of cell phones or other technology designed to assist work.
- 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.

Sincerely,



Richard Burr

Ranking Member

U.S. Senate Committee on Health, Education, Labor and Pensions