

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 13, 2020

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
S-230, U.S. Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
H-204, U.S. Capitol
Washington, D.C. 20515

The Honorable Charles E. Schumer
Minority Leader
U.S. Senate
S-221, U.S. Capitol
Washington, D.C. 20515

Dear Speaker Pelosi, Majority Leader McConnell, Minority Leader McCarthy, and Minority Leader Schumer:

We appreciate your leadership during this global health crisis and your continuing efforts to support the health and financial security of our nation. We support many of the provisions included in the Coronavirus Aid, Relief, and Economic Security (CARES) Act, and we write to request further assistance to help and support the federal employees and contractors who continue to perform their duties and serve the American people.¹

The federal civil service and its supporting contractor workforce are vital resources to our nation. More than 2.5 million federal public servants and an estimated 3.7 million federal contractors comprise the federal workforce.² This workforce serves the public each day in myriad ways, including developing lifesaving vaccines, delivering mail, providing healthcare to veterans, assisting farmers, providing security at airports, responding to natural disasters, and inspecting food to ensure its safety.

During the coronavirus pandemic, many civil servants and contractors find themselves at the forefront of combatting the virus. At the same time, they are struggling, like the rest of the world, to adjust to difficult new family and financial circumstances.

¹ Pub. L. No. 116-136 (2020).

² Office of Personnel Management, *Enterprise Human Resources Integration Statistical Data Mart* (online at fedscope.opm.gov); U.S. Postal Service, *Sizing It Up* (online at facts.usps.com/size-and-scope/); Project on Government Oversight, *Contractors and the True Size of Government* (Oct. 5, 2017) (online at www.pogo.org/analysis/2017/10/contractors-and-true-size-of-government/).

After consultation with various stakeholders and federal leaders, we developed a collection of legislative priorities that ensure the health and safety of our federal employee and contractor workforces and provide them with flexibilities to care for themselves and their families during this time. We write to request that the following legislative priorities are included in the next coronavirus relief package.

Federal Workforce Measures

- Provide childcare and dependent care costs to federal employees who are required to report to their offices. Many federal employees serve vital roles that require them to report to a duty station outside of their homes. In cases in which employees have children or dependents at home because of coronavirus-related school or other closings, these individuals would receive up to \$2,000 per child or dependent per month in childcare or daycare reimbursements.
- Codify weather and safety leave for federal employees. This proposal would require federal agencies to provide leave to employees, without loss or reduction in pay, in cases in which the employees are prevented from performing at duty stations due to coronavirus activities, unless the employees serve a national security role or are otherwise explicitly exempted from telework eligibility.
- Clarify that federal employees can work from home with children or ill family members present. This provision would clarify that a home qualifies as an “approved location” for telework regardless of whether a child or a dependent is present because alternative childcare or healthcare options are unavailable due to the coronavirus crisis.
- Prohibit blanket agency prohibitions on teleworking. The federal workforce should maximize telework opportunities at every agency to ensure continuity of operations regardless of weather, public health demands, or other conditions. Agencies should be prohibited from implementing agency-wide restrictions on the frequency with which their employees telework. Such restrictions make the federal government less prepared to use telework for continuity of operations.
- Allow federal employees to make health insurance changes when public health emergency declarations occur. Public health emergencies can drastically change the lives and health of federal employees. This provision would allow federal employees to opt into new health insurance plans or adjust their existing coverage when nationwide public health emergencies are declared.
- Extend health, dental, and vision insurance eligibility to qualifying dependents. In some cases, children of federal employees may age out of access to their family’s health, dental, or vision insurance during the coronavirus pandemic.

This provision would extend eligibility of dependents who exceed the insurance age cap during the coronavirus crisis for an additional year.

Federal Contractor Provisions

- Mandate that agencies allow contractor personnel to telework if their work can be conducted remotely and to provide periodic reports to Congress. Despite Office of Management and Budget (OMB) guidance urging agencies to maximize the use of telework for all federal contractors, many agencies still require contractors to report to their offices to perform work that can be done remotely. This mandate would require agencies to provide periodic reports to Congress regarding instances in which the agencies deny contractor requests for telework and to justify such denials.
- Require OMB to issue government-wide guidance on the implementation of Section 3610 of the CARES Act. Section 3610 of the CARES Act allows agencies to modify the terms and conditions of a contract to reimburse federal contractors to keep their employees or subcontractors in a ready state so they do not have to lay off their employees. However, agency implementation of Section 3610 is inconsistent and some agencies are requiring unnecessary and lengthy documentation that delay reimbursements. OMB guidance should limit the basic requirements to those included in the Act and streamline the payment process for contractors.
- Direct agencies to utilize advance payments during the coronavirus crisis and expand to all federal contractors current requirements to provide accelerated payments for small businesses. This provision would ensure that the contractor community continues to deliver goods and services without immediate cash flow concerns.
- Require OMB to issue guidance directing federal contracting officers to provide for the equitable adjustment of contracts. The closure of federal facilities and other coronavirus response actions render many government contractors (including subcontractors and vendors) unable to perform their required duties. This provision would allow contract adjustments that reflect the duties government contractors can or cannot perform during this global health crisis.
- Ensure contractors are not permanently penalized through adverse performance ratings due to contract disruptions caused by the coronavirus crisis. This provision would ensure that contractor performance ratings, which are used to attract future federal contracting work, are not negatively affected if contractors are unable to fulfill all or parts of their contract responsibilities because of coronavirus response efforts.

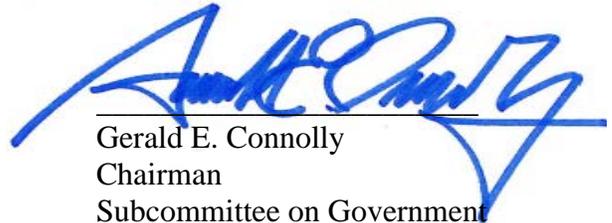
The Honorable Nancy Pelosi
The Honorable Mitch McConnell
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Page 4

These priorities do not exhaust the support that our federal civil service and its contractors need. But they will provide clarity, improve federal government operations, and help federal workers care for their families during this public health crisis. We respectfully ask you to include these provisions in the forthcoming coronavirus relief package. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Gerald E. Connolly
Chairman
Subcommittee on Government
Operations