

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<http://oversight.house.gov>

April 29, 2020

The Honorable Michael J. Rigas  
Acting Director  
Office of Personnel Management  
1900 E Street, N.W.  
Washington, D.C. 20405

Dear Acting Director Rigas:

We write to express our grave concerns regarding the guidance recently issued by the Office of Management and Budget (OMB) and the Office of Personnel Management (OPM) to prepare federal agencies for reopening procedures pursuant to the April 20, 2020, National Guidelines for Opening Up America Again.<sup>1</sup> The Trump Administration's guidance for reopening the federal government is unclear and incomplete, puts the health of millions of federal employees at risk, and demonstrates a lack of competence and leadership when our federal workforce needs it the most.

To date, the Administration's actions to prepare the federal workforce to address the coronavirus pandemic have been limited and insufficient. For example, the Administration's April 20 guidance does not address whether the federal government will secure the necessary personal protective equipment (PPE) to keep employees safe or if there is a plan to provide sufficient testing supplies to screen the 2.5 million public servants and 3.7 million contractors when the federal government reopens.<sup>2</sup>

Health experts agree that widespread testing must be available to safely reopen the economy. But that is not currently the case. The United States needs to at least triple the number of coronavirus tests it is currently administering.<sup>3</sup> But the daily number of tests

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<sup>1</sup> Memorandum from Acting Director Russell T. Vought, Office of Management and Budget, and Acting Director Michael J. Rigas, Office of Personnel Management, to Heads of Executive Departments and Agencies, *Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again* (Apr. 20, 2020) (online at [www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf](http://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf)).

<sup>2</sup> Office of Personnel Management, *Enterprise Human Resources Integration Statistical Data Mart* (online at [fedscope.opm.gov](https://fedscope.opm.gov)); U.S. Postal Service, *Sizing It Up* (online at [facts.usps.com/size-and-scope/](https://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/](https://www.pogo.org/analysis/2017/10/contractors-and-true-size-of-government/)).

<sup>3</sup> See, e.g., *Coronavirus Testing Needs to Triple Before the U.S. Can Reopen, Experts Say*, New York Times (Apr. 17, 2020) (online at [www.nytimes.com/interactive/2020/04/17/us/coronavirus-testing-states.html](https://www.nytimes.com/interactive/2020/04/17/us/coronavirus-testing-states.html)).

performed in the United States is not increasing, and the number of tests per capita lags well behind other developed nations.<sup>4</sup> Public health officials report that they are unable to test as many people as needed because of supply shortages and restrictions on who can get tested.<sup>5</sup>

The President's insistence on blaming states for testing shortages ignores the role of the federal government in providing testing for its own workforce. According to the guidance, agency leaders are to align their reopening procedures with their geographic area's respective reopening phase. The guidance states:

Federal government-wide operating decisions will be informed by states' phasing assessments and conditions, but implemented at the direction of agency heads or as delegated by the agency head.<sup>6</sup>

This language lacks clarity and will lead to conflicts between agency decisions and state level infection mitigation measures. The guidance is silent on how to resolve those conflicts.

Robust federal telework programs can help align mitigation measures and the need to continue to deliver essential government services. The bipartisan elected leadership of the National Capital Region recently wrote in support of continued widespread telework availability for federal employees.<sup>7</sup> Telework is an effective tool for maintaining safe workplaces and observing social distancing guidelines as federal employees begin to reenter federal buildings. The Administration's guidance going forward should default to making telework available for employees whenever practicable during the pandemic.

Finally, nowhere in the guidance does it state that those who comply with the guidance will have full support from OMB and OPM leadership when employees fall ill, or quarantine or distancing measures need to be reinstated. This guidance demonstrates incredibly poor contingency planning and directly contradicts statements made by health officials on the White House Coronavirus Task Force regarding a possible reoccurrence of outbreaks.<sup>8</sup>

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<sup>4</sup> *How the US Stacks Up to Other Countries in Confirmed Coronavirus Cases*, Vox (Apr. 20, 2020) (online at [www.vox.com/policy-and-politics/2020/3/13/21178289/confirmed-coronavirus-cases-us-countries-italy-iran-singapore-hong-kong](http://www.vox.com/policy-and-politics/2020/3/13/21178289/confirmed-coronavirus-cases-us-countries-italy-iran-singapore-hong-kong)).

<sup>5</sup> *Testing Falls Woefully Short as Trump Seeks an End to Stay-at-Home Orders*, New York Times (Apr. 15, 2020) (online at [www.nytimes.com/2020/04/15/us/coronavirus-testing-trump.html](http://www.nytimes.com/2020/04/15/us/coronavirus-testing-trump.html)).

<sup>6</sup> Memorandum from Acting Director Russell Vought, Office of Management and Budget, and Acting Director Michael J. Rigas, Office of Personnel Management, to Heads of Executive Departments and Agencies, *Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again* (Apr. 20, 2020) (online at [www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf](http://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf)).

<sup>7</sup> Letter from Maryland Governor Larry Hogan, Virginia Governor Ralph Northam, and District of Columbia Mayor Muriel Bowser to Acting Director Michael J. Rigas, Office of Personnel Management (Apr. 23, 2020) (online at [www.governor.virginia.gov/media/governorviriniagov/governor-of-virginia/pdf/4.23.20-Regional-Letter-to-OPM.pdf](http://www.governor.virginia.gov/media/governorviriniagov/governor-of-virginia/pdf/4.23.20-Regional-Letter-to-OPM.pdf)).

<sup>8</sup> *'Convinced': Fauci Says There Will Be Coronavirus in The Fall After Trump Says 'It May Not Come Back'*, USA Today (Apr. 23, 2020) (online at [www.usatoday.com/story/news/politics/2020/04/22/coronavirus-dr-anthony-fauci-says-i-am-convinced-second-wave/3009131001/](http://www.usatoday.com/story/news/politics/2020/04/22/coronavirus-dr-anthony-fauci-says-i-am-convinced-second-wave/3009131001/)).

The Honorable Michael J. Rigas

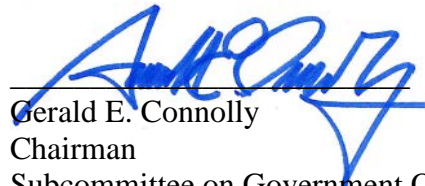
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Millions of federal employees continue to deliver critical services to the public while our nation combats the ongoing coronavirus pandemic. It is unfortunate and counterproductive that this Administration is willing to put the health and lives of our dedicated civil service at risk.

For these reasons, we request a briefing by May 15, 2020, to discuss the actions OPM has taken or will take to support federal agencies and their employees through the reopening procedures.

The Committee on Oversight and Reform 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, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Gerald E. Connolly  
Chairman  
Subcommittee on Government Operations

cc: The Honorable Jody B. Hice, Ranking Member  
Subcommittee on Government Operations