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Congressional
Legislative and
Intergovernmental
Affairs

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

MAR 25 2021

Re: FOIA # FC202007170

This letter is in response to your Freedom of Information Act (FOIA) request, dated July 16, 2020. You requested a copy of the Congressional Inquiry Log at OPM, in the office that handles congressional/legislative affairs, covering the time period January 1, 2019, to the present. You also requested a copy of congressional correspondence received at OPM during the timeframe March 1, 2020 to the present. Your request was received in this office on August 31, 2020.

After a search of our records, I have included one enclosure (a .pdf document totaling thirteen (13) pages) and three (3) more .pdf documents totaling sixty-four (64) pages that fit within the parameters of your FOIA request. Please note that some information contained within these documents contains certain personal information, which has been redacted, as permitted by the FOIA 5 U.S.C. § 552 (b) (6).

Additionally, we must inform you that you have the right to appeal this determination. Should you wish to do so, pursuant to 5 CFR 294.110, you must send a copy of your initial request, a copy of the letter denying the request, and a statement as to why you believe the denying official erred within 90 days from the date of this letter to:

U.S. Office of Personnel Management
ATTN: Office of General Counsel (OGC)
1900 E Street, NW
Washington, DC 20415

NOTE: Both the front of the envelope and the first page of your letter should be clearly marked "FOIA Appeal."

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requesters and federal agencies as a non-exclusive alternative to litigation. You may contact OGIS in any of the following ways:

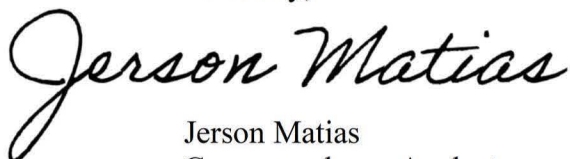
The U.S. National Archives and Records Administration (NARA)
Office of Government Information Services (OGIS)
8601 Adelphi Road
College Park, MD 20740-6001
Telephone: 202-741-5770 or 1-877-684-6448; Fax: 202-741-5769;
OGIS Email: ogis@nara.gov

You may also seek additional assistance from OPM's Public Liaison. The OPM FOIA Public Liaison can be reached at the following:

Email: Wen.Liu@opm.gov
Telephone Hotline: (202) 606-1153

Additionally, more information regarding FOIA regulations are available to you at <https://www.foia.gov/>.

Sincerely,

A handwritten signature in black ink that reads "Jerson Matias". The signature is written in a cursive, flowing style.

Jerson Matias
Correspondence Analyst
Congressional, Legislative,
and Intergovernmental Affairs

Enclosure

Close

Package ID	Resp. Office	Subject	Due Date	Current Assignee
CLIA2019,093304	CLIA	HOGA Chairman Cummings, HOGA Govt Operations Subcommittee Chairman Connolly, and Rep. Wexton write OMB and OPM concerning partial govt shutdown back pay issues with employees	3/29/2019	CLOSED
CLIA2019,093925	CLIA	New Hampshire and Vermont Congressional Delegation write OPM's Federal Salary Council (FSC) Chairman regarding Claremont-Lebanon Locality pay issues	4/5/2019	CLOSED
CLIA2019,093475	CLIA	Senator Dianne Feinstein writes OPM on behalf of her constituent, Ms. (b) (6) regarding Administrative Careers with America (ACWA) and The National Labor Relations Board (NLRB)	2/15/2019	CLOSED
CLIA2019,093577	CLIA	Chairman Rob Portman and Ranking Member Tom Carper, of HSGAC's Permanent Subcommittee on Investigations, writes OPM requesting information and documents on the last three Government Shutdowns	3/26/2019	CLOSED
CLIA2019,092915	CLIA	Congressional Inquiry - (b) (6) (b) (6) - SSR request from CA Air National Guard	1/1/1753 12:01:00 AM	CLOSED
CLIA2019,092983	CLIA	Representative Andy Harris (1st Dist.-MD) writes OPM requesting reevaluation of the position classification for Certified Anesthesiologist Assistants (CAAs)	2/22/2019	CLOSED
CLIA2019,093007	CLIA	Representative Antonio Delgado (19th Dist.-NY) writes OPM concerning FEDVIP coverage for furloughed federal employees during	2/1/2019	CLOSED

		the 2019 Government Shutdown		
CLIA2019,093090	CLIA	Kentucky Governor Matthew G. Bevin writes OPM regarding the Intergovernmental Personnel Act of 1970	2/28/2019	CLOSED
CLIA2019,093183	CLIA	Rep Vincente Gonzalez (15th Dist. - TX) writes OPM, on behalf of an anonymous constituent, requesting information on how they can provide interest free federal loans for workers affected in a Federal Government shutdown	2/22/2019	CLOSED
CLIA2019,093225	CLIA	Representative Cheri Bustos (17th Dist. - IL) writes OPM concerning back pay to federal employees due to the recent partial Government Shutdown	2/28/2019	CLOSED
CLIA2019,093616	CLIA	Representative David Rouzer's constituent, Ms. (b) (6) emails his staffer, (b) (6), concerning FEGLI issues	4/12/2019	CLOSED
CLIA2019,093643	CLIA	Oregon Delegation writes OPM's Federal Salary Council (FSC) Chairman Ronald Sanders regarding Locality Pay concerns in Lane County, Oregon	3/29/2019	CLOSED
CLIA2019,093686	CLIA	Representative Joseph Morelle (25th Dist. - NY) writes OPM's Federal Salary Council Chairman, Mr. Ronald Sanders, concerning Locality Pay issues in Rochester/Seneca Falls NY	4/5/2019	CLOSED
CLIA2019,093763	CLIA	Representatives Michael R. Turner and Susan Davis write as Co-Chairs of the Military Sexual Assault Prevention Caucus concerning the circumstances surrounding the hiring of a former civilian employee at Wright-Patterson Air Force Base	3/29/2019	CLOSED
CLIA2019,093586	CLIA	DMV Delegation Members of Congress write OMB and OPM concerning the implementation of the 1.9 percent pay raise for federal employees in 2019	3/15/2019	CLOSED
CLIA2019,093733	CLIA	Chief Human Capital Officers	3/29/2019	CLOSED

		(CHCO) Council FY2018 Annual Report to Congress		
CLIA2019,093936	CLIA	Representative Pete Stauber (8th Dist. - MN) writes OPM's Federal Salary Council (FSC) Chairman concerning Locality Pay issues for Pine County, MN	4/12/2019	CLOSED
CLIA2019,094034	CLIA	OPM Legislative Proposals concerning expedited hiring for Post-Secondary students, Probationary periods for federal employees, and Time-limited appointments to compete for Permanent appointments	4/4/2019	CLOSED
CLIA2019,094227	CLIA	OPM letters informing the Arkansas Congressional Delegation about Multi-State Plan (MSP) Program updates	4/10/2019	CLOSED
CLIA2019,092929	CLIA	Senator Ron Wyden writes OPM concerning FEHB coverage for federal employees affected by the lapse in Appropriations (Partial Government Shutdown)	1/1/1753 12:01:00 AM	CLOSED
CLIA2019,092982	CLIA	29 U.S. Senators write OPM concerning retroactive pay (back pay) for furloughed Federal employees	2/1/2019	CLOSED
CLIA2019,093004	CLIA	VA Senators Mark Warner and Tim Kaine and MD Senators Ben Cardin and Chris Van Hollen write OPM concerning FEDVIP coverage termination due to the 2019 Government Shutdown	2/1/2019	CLOSED
CLIA2019,093006	CLIA	New Mexico Senators Tom Udall and Mark Heinrich write OPM concerning FEDVIP coverage termination due to the 2019 Government Shutdown	2/1/2019	CLOSED
CLIA2019,093300	CLIA	Senate Select Committee on Intelligence (SSCI) Vice Chairman, Senator Mark Warner, writes OPM, OMB, ODNI, and UnderSecDef for Intel concerning reforms to security clearance vetting processes	2/4/2019	CLOSED
CLIA2019,097726	CLIA	Senators Chris Van Hollen and James Lankford write OPM concerning the	12/27/2019	CLOSED

		Selective Placement Program Coordinator (SPPC) Directory		
CLIA2020,098780	CLIA	Follow-Up to DMS # 95377 - 81 Members of Congress write requesting OPM stop administering government contributions, for Members of Congress and Congressional staff, in connection with health insurance plans that cover elective abortion	3/31/2020	CLOSED
CLIA2020,098797	CLIA	Architect of the Capitol, Mr. J. Brett Blanton, writes OPM concerning the missed statutory deadline related to retirement benefits of Senate restaurant workers	3/27/2020	CLOSED
CLIA2020,098803	CLIA	Massachusetts Senators Elizabeth Warren and Ed Markey and Rhode Island Senators Jack Reed and Sheldon Whitehouse write OPM concerning Locality pay disparity	3/4/2020	CLOSED
CLIA2020,098805	CLIA	Four Members of Congress, Representatives Cindy Axne, Peter King, Sean Casten, and Don Bacon, write OPM concerning Paid Parental Leave	3/27/2020	CLOSED
CLIA2019,095728	CLIA	Representatives Josh Harder (10th Dist.-CA) and Jerry McNerney (9th Dist.-CA) write OPM concerning Locality Pay in the San Joaquin County-Tracy CA area	8/9/2019	CLOSED
CLIA2020,098157	CLIA	Senator Mark Warner, Vice Chairman of the Senate Select Committee on Intelligence (SSCI), writes OPM concerning the Trusted Workforce 2.0 initiative	1/31/2020	CLOSED
CLIA2020,098184	CLIA	Utah Congressional Delegation writes OPM concerning a Utah-Based Company, named Axil, that is experiencing difficulties with Regence Blue Cross and Blue Shield (BC/BS) under the Federal Employee Health Benefits (FEHB) Program	1/31/2020	CLOSED
CLIA2020,098235	CLIA	United states Postal Service (USPS) Board of Governors-Required Report to Congress	1/31/2020	CLOSED

CLIA2020,098857	CLIA	Four Members of Congress, Representatives Cheri Bustos and Dave Loebsack and Senators Dick Durbin and Tammy Duckworth, write OPM concerning Federal Bureau of Prisons (BOP) personnel and staffing issues	3/27/2020	CLOSED
CLIA2020,098549	CLIA	Congressional Inquiry - Representative Paul Cook / (b) (6) (104634)	1/1/1753 12:01:00 AM	CLOSED
CLIA2019,094802	CLIA	HOCR Government Operations Subcommittee Chairman, Representative Gerald E. Connolly, writes OPM regarding document request of OPM/GSA reorganization	5/13/2019	CLOSED
CLIA2019,096514	CLIA	HCOR Subcommittee on Government Operations Chairman Gerald E. Connolly writes OPM regarding implementation of the Telework Enhancement Act of 2010	9/27/2019	CLOSED
CLIA2019,097021	CLIA	Representative Eleanor Holmes Norton writes OPM concerning recruiting and retaining Federal workers	10/18/2019	CLOSED
CLIA2019,097240	CLIA	Senator Tina Smith writes OPM and the Federal Salary Council (FSC) to request reconsideration to provide a waiver to add Pine County to the Minneapolis-St. Paul, MN locality pay area	11/8/2019	CLOSED
CLIA2019,094452	CLIA	Senator Tammy Duckworth writes requesting OPM issue guidance to ensure participants of the Pathways Program are not adversely affected by the recent partial Government Shutdown	5/10/2019	CLOSED
CLIA2019,094543	CLIA	DUPLICATE - Please refer to DMS # 94628 - Congressional - Suspension of Accelerated Promotion Program for Navy Civilian Employees	1/1/1753 12:01:00 AM	CLOSED
CLIA2019,094651	CLIA	Congressional Inquiry - Senator	8/2/2019	CLOSED

		Sherrod Brown / (b) (6) (92285)		
CLIA2019,094705	CLIA	Senator Kennedy and Senator Coons, Chairman and Ranking Member of the Senate Appropriations FSGG Subcommittee, write OPM requesting information on OPM's compliance with The Federal Travel Regulation (FTR) and section 632	5/31/2019	CLOSED
CLIA2019,097059	CLIA	Minnesota Congressional Delegation writes OPM concerning Pine County and Minneapolis MN locality pay issues	11/7/2019	CLOSED
CLIA2019,097979	CLIA	21 Members of Congress write OPM concerning Federal Prison personnel and staffing	2/7/2020	CLOSED
CLIA2020,098142	CLIA	HCOR Government Operations Subcommittee Chairman Gerald E. Connolly and Ranking Member Mark Meadows write OPM concerning implementation of the Modernizing Government Technology (MGT) Act	12/6/2019	CLOSED
CLIA2019,095009	CLIA	Representatives Donald S. Beyer, Jr., Gerald E. Connolly, and Jennifer Wexton write OPM regarding Washington Metropolitan Area Transit Authority (WMATA) Blue and Yellow line closures	5/24/2019	CLOSED
CLIA2019,097223	CLIA	Representative John Joyce, M.D. (13th Dist. - PA) writes OPM regarding pay discrepancy between WG and GS Federal employees at Letterkenny Army Depot in Chambersburg, PA	10/31/2019	CLOSED
CLIA2019,094428	CLIA	Transmittal letters to Congressional Committees regarding Executive Order (EO) transitioning responsibility of NBIB to DoD	4/30/2019	CLOSED
CLIA2019,095299	CLIA	Representatives Gerald E. Connolly and Mark Meadows, Chairman and Ranking Member of the HOCR Government Operations Subcommittee, write OPM requesting an update to the Modernizing Government Technology (MGT) Act	6/21/2019	CLOSED

CLIA2019,095377	CLIA	94 Members of Congress write requesting OPM stop administering government contributions, for Members of Congress and Congressional staff, in connection with health insurance plans that cover elective abortion	7/12/2019	CLOSED
CLIA2019,095786	CLIA	HCOR Chairman Elijah Cummings and Govt Ops Subcommittee Chairman both write OPM with concerns about the proposed OPM-GSA Reorganization	7/31/2019	CLOSED
CLIA2019,096253	CLIA	Congressional Inquiry - Representative Eleanor Holmes Norton / (b) (6) (97338)	1/1/1753 12:01:00 AM	CLOSED
CLIA2019,095774	CLIA	Senate Homeland Security and Governmental Affairs Committee (HSGAC) Ranking Members Gary C. Peters and Patty Murray write OPM concerning the proposed OPM/GSA Reorganization and OPM's projected FY2020 budget gap	7/24/2019	CLOSED
CLIA2019,095785	CLIA	House Oversight and Reform Committee (HCOR) Chairman Elijah Cummings and Govt Ops Subcommittee Chairman Gerald Connolly write OPM with QFRs covering testimony given by Deputy Chief of Staff at hearing covering OPM, FBI and GSA on June 27, 2019	7/29/2019	CLOSED
CLIA2019,095861	CLIA	OPM letter to House and Senate Appropriations FSGG Subcommittee Chairmen Kennedy, Quigley and Ranking Members Coons, Graves regarding summary of the Trust Funds Modernization (TFM) Program	8/2/2019	CLOSED
CLIA2019,097991	CLIA	Senators Sherrod Brown and Amy Klobuchar write OPM expressing concern over missed statutory	1/31/2020	CLOSED

		deadline related to retirement benefits		
CLIA2020,098438	CLIA	Senator Mike Lee writes OPM concerning a Utah based company, named Axil, and issues it has experienced with Regence Blue Cross/Blue Shield (BC/BS) and the FEHB Program	1/1/1753 12:01:00 AM	CLOSED
CLIA2019,094898	CLIA	Representative Robert "Bobby" Scott (3rd Dist. - VA) writes OPM concerning proposal to require applicants for federal jobs to divulge their participation in criminal diversion programs	5/31/2019	CLOSED
CLIA2019,095067	CLIA	HOCR Committee Chairman Elijah E. Cummings writes ODNI and OPM requesting all guidance or tools relating to suitability determinations, background investigations, and security clearance eligibility	5/31/2019	CLOSED
CLIA2019,095524	CLIA	HOCR Committee Chairman Elijah E. Cummings, Chairman Connolly and Chairman Lynch write OPM concerning the upcoming transfer of primary responsibility for conducting background investigations from OPM to DOD	7/8/2019	CLOSED
CLIA2019,094628	CLIA	Senator Susan Collins and Representatives Ed Case, Derek Kilmer, Tulsi Gabbard, and Robert C. Scott write OPM concerning the suspension of the Accelerated Promotion Program for Navy shipyard civilian employees	5/31/2019	CLOSED
CLIA2019,094682	CLIA	Senator Amy Klobuchar and Senator Mazie Hirono write OPM concerning proposal to require applicants for federal jobs to divulge their participation in criminal diversion programs	5/31/2019	CLOSED
CLIA2019,094579	CLIA	Senator Chris Van Hollen writes OPM in opposition to a proposal to require applicants for federal jobs to divulge their participation in criminal diversion programs	5/24/2019	CLOSED
ES2019,096655	ES	ES/PL/PS--Extension of Locality Pay	1/1/1753	CLOSED

		to Non-General Schedule Employees in 2020.	12:01:00 AM	
CLIA2019,094568	CLIA	Senators Dick Durbin, Chuck Grassley, Corry Booker, and Mike Lee write OPM in opposition to a proposal to require applicants for federal jobs and contracting work to divulge their participation in criminal diversion programs	5/24/2019	CLOSED
CLIA2019,094803	CLIA	16 Members of Congress write OPM concerning proposal to require applicants for federal jobs to divulge their participation in criminal diversion programs	5/31/2019	CLOSED
CLIA2019,094968	CLIA	Enrolled Bill S. 1436 - Technical corrections to the computation of average pay under Public Law 110-279; mends the wages used in retirement calculations for certain workers in Senate food service operations	5/21/2019	CLOSED
CLIA2019,095099	CLIA	HOCR Committee Chairman Elijah E. Cummings writes OPM regarding use and disclosure of ethics waivers	6/7/2019	CLOSED
CLIA2019,095475	CLIA	33 Members of Congress write OPM concerning hiring individuals with disabilities and current federal employees with targeted disabilities	7/9/2019	CLOSED
CLIA2019,097442	CLIA	HCOR Government Operations Subcommittee Chairman Gerald E. Connolly writes OPM regarding outstanding information requests	11/19/2019	CLOSED
CLIA2019,095918	CLIA	OPM Document Production to Congressional Oversight and Appropriations Committees regarding the OPM-GSA Reorganization	7/24/2019	CLOSED
CLIA2019,095600	CLIA	Vice Chairman of the Senate Select Committee on Intelligence (SSCI), Senator Mark Warner writes POTUS regarding the Trusted Workforce 2.0 interagency initiative	7/26/2019	CLOSED
CLIA2020,100879	CLIA	Report to Congress on the Backlog of Pension Benefits	8/7/2020	CLOSED
CLIA2020,100768	CLIA	Senate HSGAC Ranking Member,	7/24/2020	(b) (6)

		Gary C. Peters, writes OPM concerning plans for reopening and returning federal employees to their normal duty stations		
CLIA2020,099232	CLIA	Representative Don Beyer (8th Dist. - VA) writes OPM concerning COVID-19 and telework for all federal employees	3/27/2020	CLOSED
CLIA2020,101087	CLIA	HCOR Govt Ops Subcommittee Chairman, Representative Gerald E. Connolly, writes OPM concerning the 2020 Federal Employee Viewpoint Survey (FEVS)	9/18/2020	(b) (6)
CLIA2020,099301	CLIA	Representative Eleanor Holmes Norton writes OPM and OMB concerning COVID-19 and Federal Employees using Telework and Paid Leave	4/3/2020	CLOSED
CLIA2020,099401	CLIA	International Federation of Professional and Technical Engineers (IFPTE) writes OPM and OMB concerning the COVID-19 crisis and Telework for Federal Employees	4/17/2020	CLOSED
CLIA2020,099904	CLIA	22 Senators write OPM and OMB concerning the safety of federal workers during the COVID-19 pandemic	5/29/2020	CLOSED
CLIA2020,100039	CLIA	19 Senators write OPM and OMB concerning Hazard Pay, Telework, and other urgent issues facing federal employees and contractors during the COVID-19 pandemic	6/12/2020	CLOSED
CLIA2020,099127	CLIA	Representative Jennifer Wexton (10th Dist-VA) writes OPM concerning COVID-19 Coronavirus and Paid Leave guidance for Federal employees exempted from Telework participation	3/20/2020	CLOSED
CLIA2020,100279	CLIA	HCOR Government Ops Subcommittee Chairman, Rep. Gerald E. Connolly and Ranking Member Jody B. Hice, write OPM requesting an update on OPM's implementation of the Modernizing Government Technology (MGT) Act	6/12/2020	CLOSED

CLIA2020,100032	CLIA	Trust Funds Modernization Program Report to Congress	5/29/2020	CLOSED
CLIA2020,100190	CLIA	Representative Gerald E. Connolly (11th Dist. - VA) writes OPM and OMB concerning the COVID-19 pandemic and the Federal Government's Reopening policies	6/5/2020	CLOSED
CLIA2020,100349	CLIA	Senate HSGAC Federal Spending Oversight and Emergency Management Subcommittee Ranking Member, Senator Maggie Wood Hassan, writes OPM concerning Legacy IT Modernization	6/26/2020	(b) (6)
CLIA2020,100611	CLIA	Vice Chairman of the Senate Select Committee on Intelligence (SSCI), Senator Mark Warner, writes OPM and ODNI concerning Trusted Workforce 2.0	7/31/2020	CLOSED
CLIA2020,099021	CLIA	Five Senators write OPM requesting information on Mr. Leonard Leo, a former federal employee, and his role in advising and selecting federal judicial nominees	4/3/2020	CLOSED
CLIA2020,099778	CLIA	HCOR Govt Ops Subcommittee Chairman Gerald E. Connolly and six other Members of Congress write OPM concerning the rescheduled 2020 Federal Employee Viewpoint Survey (FEVS) due to the COVID-19 crisis	5/29/2020	CLOSED
CLIA2020,099205	CLIA	47 Senators write OPM concerning Bureau of Prisons (BOP) personnel and staffing issues and Direct Hire Authorities	4/24/2020	CLOSED
CLIA2020,099302	CLIA	Eight Senators write OPM and OMB requesting agencies post their Continuity of Operations (COOP) plans so they are publicly available due to the COVID-19 crisis	4/3/2020	CLOSED
CLIA2020,100042	CLIA	Virginia Congressional Delegation, Representatives Don Beyer, Gerald Connolly, and Jennifer Wexton write OPM concerning WMATA Metro station closures during the Summer 2020	5/29/2020	CLOSED

CLIA2020,101020	CLIA	Senators Dick Durbin and Tammy Duckworth and Representatives Cheri Bustos and Dave Loebsack write OPM concerning The Bureau of Prisons, U.S. Penitentiary Thomson, and Locality Pay issues	8/28/2020	(b) (6)
CLIA2020,099354	CLIA	Representative Gerald E. Connolly, Chairman of the HCOR Government Operations Subcommittee writes The President (POTUS) concerning the COVID-19 crisis and Telework for federal employees	4/10/2020	CLOSED
CLIA2020,099428	CLIA	26 Members of Congress write OPM concerning The Bureau of Prisons (BOP) personnel and staffing issues and Direct Hire Authorities	4/10/2020	CLOSED
CLIA2020,099094	CLIA	Eight Senators write OPM concerning guidance to Federal workers and preparations by Federal agencies regarding spread of the COVID-19 Coronavirus	3/27/2020	CLOSED
CLIA2020,099206	CLIA	Senator Mark Warner, Vice Chairman of the Senate Select Committee on Intelligence (SSCI), writes OPM concerning COVID-19, contractor employees and security clearances and determinations	3/20/2020	CLOSED
CLIA2020,100870	CLIA	EXPEDITED CLEARANCE REQUESTED - OPM Report to Senate and House Appropriations (FSGG) Subcommittees regarding OPM-GSA Reorganization - July 2020 Update	7/31/2020	CLOSED
CLIA2020,101026	CLIA	Representative Gerald E. Connolly (11th Dist. - VA) writes OPM concerning Schedule A Hiring Authority	8/28/2020	(b) (6)
CLIA2020,099483	CLIA	Congressional Inquiry - Senator Tim Kaine / (b) (6) (106783) - Military time Buyback and SCD issues	1/1/1753 12:01:00 AM	CLOSED
CLIA2020,100692	CLIA	Maryland and Virginia Senators write OPM and OMB concerning COVID-19 and Federal employees returning to their workplaces	7/24/2020	(b) (6)

CLIA2020,099686	CLIA	Senator Michael F. Bennet writes the VA and OPM concerning the COVID-19 crisis and staff shortages and Direct Hire Authorities for a VA Medical Center in Denver, Colorado	4/30/2020	CLOSED
CLIA2020,099713	CLIA	OPM Report to Senate and House Appropriations (FSGG) Subcommittees regarding OPM-GSA Reorganization	4/17/2020	CLOSED
CLIA2020,100123	CLIA	HCOR Government Operations Subcommittee Chairman, Representative Gerald E. Connolly, writes Chairman Connolly writes OPM concerning the COVID-19 Federal Government reopening guidance	5/15/2020	CLOSED
CLIA2020,099899	CLIA	The DMV Leadership Delegation, Maryland Governor Larry Hogan, Virginia Governor Ralph Northam and DC Mayor Muriel Bowser write OPM concerning the COVID-19 crisis and maximum telework flexibilities for Federal employees	5/29/2020	CLOSED
CLIA2020,099907	CLIA	Six Senators from Senate HSGAC Minority write OPM requesting regular in-person briefings concerning the federal workforce during the COVID-19 crisis	5/29/2020	CLOSED
CLIA2020,099930	CLIA	Senate Select Committee on Intelligence (SSCI) Vice Chairman Mark Warner writes OPM ODNI and DOD concerning the background investigation and security clearance process during the COVID-19 pandemic	5/29/2020	CLOSED
CLIA2020,099943	CLIA	Congressional Inquiry - Representative Paul Cook / (b) (6) (107737) - re: Selective Service waiver request	1/1/1753 12:01:00 AM	CLOSED

United States Senate

WASHINGTON, DC 20510

March 19, 2020

The Honorable Michael Rigas
Acting Director
Office of Personnel Management
1900 E Street NW
Washington, DC 20415

The Honorable Russell Vought
Acting Director
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Dear Acting Director Rigas and Acting Director Vought:

As the federal government continues to adapt to the COVID-19 pandemic, we request that you require departments and agencies to post their continuity of operation (COOP) plans online in an accessible format and central location, unless there are legitimate intelligence or national security reasons not to do so. Making these plans transparent and readily available is key to ensuring that our constituents understand what services are continuing in the midst of the uncertainty and disruption caused by COVID-19. It is also important for federal employees and contractors to understand and properly implement the required mitigation measures and for policymakers to ensure compliance with these measures.

Sharing this information publicly would be consistent with how the Office of Management and Budget (OMB) has posted department and agency contingency plans for lapses in federal appropriations. Such transparency is critical to give citizens confidence in the government response during this difficult time and assure federal employees and contractors that the government is prioritizing their health and well-being.

Maintaining a healthy federal workforce with confidence in the government's commitment to their welfare is of the utmost importance to us. Thank you in advance for your prompt response and attention to this matter.

Sincerely,

/s/Mark R. Warner
United States Senator

/s/Chris Van Hollen
United States Senator

/s/Benjamin L. Cardin
United States Senator

/s/Mazie Hirono
United States Senator

/s/Sherrod Brown
United States Senator

/s/Tim Kaine
United States Senator

/s/Brian Schatz
United States Senator

/s/Gary C. Peters
United States Senator

United States Senate

WASHINGTON, DC 20510

March 6, 2020

The Honorable Dale Cabaniss
Director
United States Office of Personnel Management
1900 E Street NW
Washington, DC 20415-1000



Dear Director Cabaniss:

We write today regarding your February 3, 2020, February 7, 2020, and March 3, 2020, guidance to the Heads of Executive departments and agencies aimed at preparing federal workers for the impact of Coronavirus Disease 2019 (COVID-19). While we appreciate the fast-evolving nature of the threat posed by COVID-19, we are concerned that the U.S. Office of Personnel Management's (OPM) preliminary guidance is silent on how federal employees and contractors will be supported as they follow guidance from public health officials.

While the spread of COVID-19 is likely to affect different individuals, families, and communities differently, it is increasingly likely that a significant number of Americans will need to practice social distancing in some way, be it due to illness, testing, treatment, or quarantining. As the largest employer in the nation, it is paramount that the federal government lead by example and prioritize the health, economic well-being, and security of its employees and contractors as we mobilize to respond to the recent outbreak and spread of COVID-19. In addition to sharing recommendations from the Centers for Disease Control and Prevention (CDC) about when employees exhibiting symptoms should stay home, we urge you to clarify that federal employees and contractors who follow such guidance will not be at risk of income insecurity, disciplinary action, or any other adverse employment actions.

As we saw during the most recent government shutdown, too many federal employees and contractors live paycheck-to-paycheck and are not easily able to weather disruptions to their income or manage unexpected expenses without dipping into savings or relying on credit. We urge you in the strongest possible terms to issue guidance immediately assuring federal employees and contractors that they will not be asked to choose between their ability to meet their financial obligations and their sense of duty to follow guidance that protects the public health.

Further, in addition to directing departments and agencies to incorporate telework in their continuity of operations (COOP) plans, we urge you to also direct agencies to take a generous and public health-facing position on expanding telework availability before agencies need to implement their COOP plans and approving unscheduled leave when federal employees and contractors are unable to work due to their own illness or that of a loved one. While telework is a necessary component of preparing for widespread, community outbreaks of COVID-19, we urge you to also make clear that federal employees and contractors will not be expected to work while

they or a loved one are ill and in need of rest, treatment, and/or recuperation—even if they have exhausted all of their available paid leave. We encourage you to issue guidance making this clarification as soon as practicably possible.


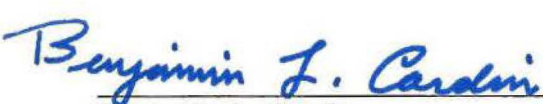
While we appreciate the need to disseminate appropriate guidance at the appropriate time, we also know that preparedness and effective communication inspire confidence. We are deeply concerned that OPM's preliminary guidance is unnecessarily complex and leaves significant doubt that agencies will have uniform interpretations of how and when to use each of the many different types of potentially applicable leave. We trust that OPM is doing more than just issuing written guidance but would urge you to also take proactive and ongoing steps to educate agencies and human resources officials on these leave categories, including by offering trainings, webinars, and developing a prominently shared frequently asked questions document.

Further, we worry that OPM's guidance to date does not demonstrate to our nation's hardworking public servants that the federal government is prioritizing their health, well-being, and economic security. We urge you to swiftly develop and circulate guidance that does more to reassure them that they will not be penalized for heeding public health guidance, they will continue to receive pay while doing so, and they will not be expected to work while sick.

In addition, we ask that OPM work with health insurance providers to ensure federal employees can affordably access the preventive care and treatment they may need as a result of COVID-19. Americans should be able to take recommended measures to protect their health and that of more vulnerable members of their communities without facing negative economic consequences.

Thank you in advance for your prompt attention to this matter. We look forward to working together on this critical issue moving forward.

Sincerely,

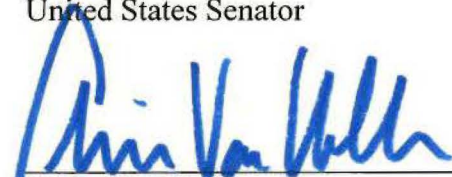
 

Mark R. Warner
United States Senator

Benjamin L. Cardin
United States Senator



Tim Kaine
United States Senator



Chris Van Hollen
United States Senator



Mazie K. Hirono
United States Senator



Brian Schatz
United States Senator



Sherrod Brown
United States Senator



Gary C. Peters
United States Senator

United States Senate

WASHINGTON, DC 20510

March 11, 2020

The Honorable Dale Cabaniss
Director, United States Office of Personnel Management
1900 E St. NW
Washington, DC 20415



Dear Director Cabaniss:

We write regarding issues affecting personnel and staffing at United States Federal Bureau of Prisons (BOP) facilities. Your prompt attention to this matter is appreciated.

For many years, staffing ratios at numerous BOP facilities have fallen below safe or sustainable levels. These staffing shortages place both BOP personnel and inmates at increased risk. They also affect personnel morale and retention.

The United States Department of Justice appears to be aware of this issue. In testimony before the Senate Commerce, Justice and Science Appropriations Subcommittee on April 10, 2019, United States Attorney General (AG) Barr acknowledged that BOP staffing "is an area where we have stumbled." He further acknowledged that BOP is "4,000-5,000 people short of our authorized level."

An issue that may be affecting the BOP's ability to timely hire personnel are requirements by the United States Office of Personnel Management (OPM). Under current practices, applicants to BOP must be processed through OPM before the applications are made available to individual BOP facilities for potential hire. This process takes a minimum of 105 days, but often results in a lag of five to six months from the time a position is posted until it is filled.

A potential solution is to allow individual BOP facilities to have direct-hire authority for all vacant positions throughout the agency, at least until staffing ratios increase to acceptable levels. Such authority is granted in 5 CFR § 337.201, which states:

OPM will permit an agency with delegated examining authority under 5 U.S.C. 1104(a)(2) to use direct-hire authority under 5 U.S.C. 3304(a)(3) for a permanent or nonpermanent position or group of positions in the competitive service at GS-15 (or equivalent) and below, if OPM determines that there is either a severe shortage of candidates or a critical hiring need for such positions.

Further, BOP facilities meet the requirements of 5 CFR § 337.204, which outlines examples of evidence that demonstrate a severe shortage of candidates for a position: (1) recruitment and training efforts; (2) availability and quality of candidates; (3) desirability of the geographic location of the position(s); and (4) desirability of the duties and work environment associated with the position(s).


OPM has offered direct-hire authority to certain BOP facilities. These include the Federal Medical Center (FMC) in Rochester, Minnesota, the Federal Correctional Complex (FCC) in Butner, North Carolina, and the Federal Medical Center (FMC) in Devens, Massachusetts.


On November 19, 2019, former BOP Director Dr. Kathleen Hawk Sawyer testified before the Senate Judiciary Committee that the BOP is actively trying to fill over 3,500 positions across the agency, many of which are Correctional Officer positions. The need to fill positions with qualified personnel will be made more acute as BOP implements the requirements of the *First Step Act*. These positions will include, but will not be limited to, Teachers, Special Education Teachers, Recreation Specialists, Drug Treatment Specialists, Religious Services, Case Managers, and Counselors.

Given the many recruitment hurdles facing BOP facilities around the country, we ask that OPM consider providing direct-hire authority to all BOP facilities until each facility reaches a level of 96% staffed. Such authority is authorized under current law and will undoubtedly improve BOP facility safety, employee morale, and employee retention. Furthermore, direct-hire authority will not deter an applicant from being eligible for veterans' preference. When hiring new staff under direct-hire authority, we understand that the BOP will follow guidelines outlined in 5 U.S.C §§ 3309-3318, ensuring that veterans' preference will be applied at the local level and the qualified lists will be vetted accordingly.

Additionally, we understand that direct-hire authority would not curtail any of the qualification requirements or rigorous vetting standards that prospective BOP employees must meet in order to serve at BOP institutions. Instead, it would allow understaffed facilities to safely expedite the hiring process and reduce the significant backlog at the Grand Prairie, Texas office complex that currently processes employment applications.


Once again, your prompt attention to this matter is appreciated. If you have any further questions regarding this matter, please do not hesitate to contact us. We look forward to your timely response.

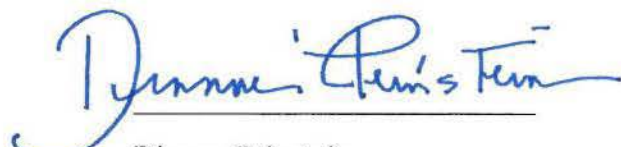


Joni K. Ernst
United States Senator

John Thune
United States Senator

Sincerely,



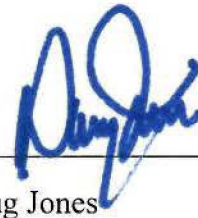
Richard J. Durbin
United States Senator

Dianne Feinstein
United States Senator



David A. Perdue

United States Senator



Doug Jones

United States Senator



Todd Young

United States Senator



Jeanne Shaheen

United States Senator



Robert P. Casey, Jr.

United States Senator



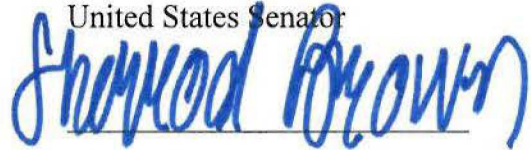
Amy Klobuchar

United States Senator



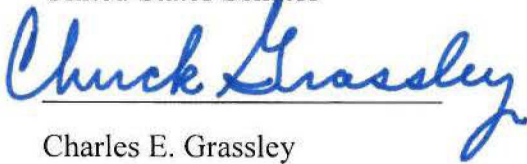
Michael F. Bennet

United States Senator



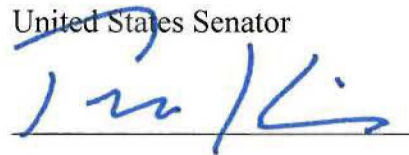
Sherrod Brown

United States Senator



Charles E. Grassley

United States Senator



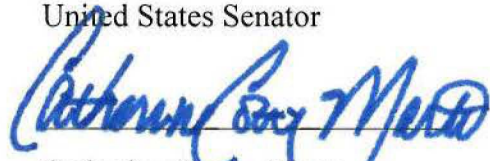
Tim Kaine

United States Senator



Ron Johnson

United States Senator



Catherine Cortez Masto

United States Senator



Tim Scott

United States Senator



Jerry Moran

United States Senator



Cindy Hyde-Smith

United States Senator



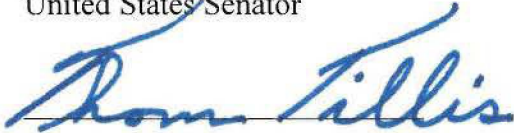
Gary C. Peters

United States Senator



Kevin Cramer

United States Senator



Thom Tillis

United States Senator



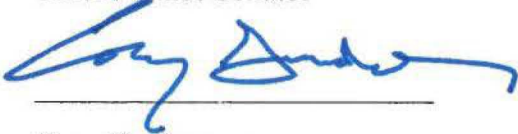
Pat Roberts

United States Senator



Mike Braun

United States Senator



Cory Gardner

United States Senator



Pat Toomey

United States Senator



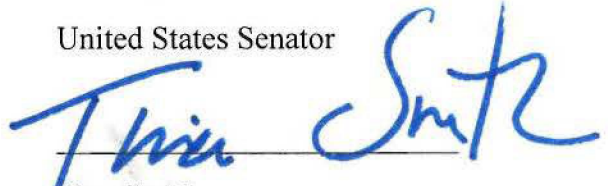
James M. Inhofe

United States Senator



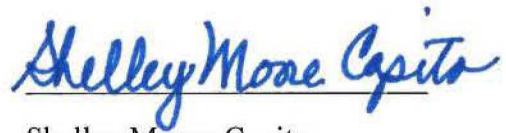
Tammy Duckworth

United States Senator



Tina Smith

United States Senator



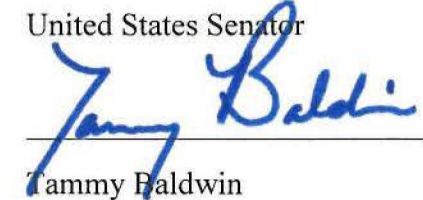
Shelley Moore Capito

United States Senator



Benjamin L. Cardin

United States Senator



Tammy Baldwin

United States Senator



Richard Blumenthal

United States Senator



Robert Menendez

United States Senator



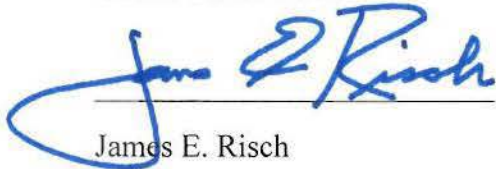
Mike Crapo

United States Senator



Roy Blunt

United States Senator



James E. Risch

United States Senator



James Lankford

United States Senator



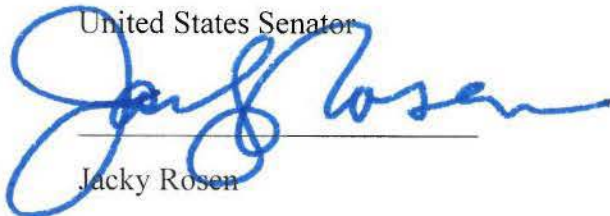
John Hoeven

United States Senator



Richard Burr

United States Senator



Jacky Rosen

United States Senator



Sheldon Whitehouse

United States Senator



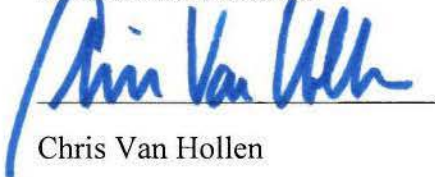
Mark R. Warner

United States Senator



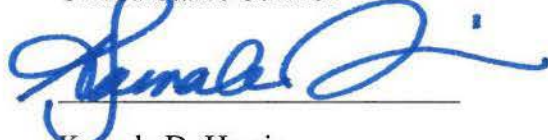
Edward J. Markey

United States Senator



Chris Van Hollen

United States Senator



Kamala D. Harris

United States Senator



Debbie Stabenow

United States Senator

United States Senate

WASHINGTON, DC 20510

March 4, 2020

The Honorable Dale Cabaniss
Director
United States Office of Personnel Management
1900 E St. NW
Washington, DC 20415



Dear Director Cabaniss,

As members of the United States Senate, we have witnessed an unprecedented rise in anonymous funding which now pervades the process for selecting federal judicial nominees, confirming them, and advancing cases and legal theories that serve special interests to the detriment of the American people. We believe this anonymous funding, likely from entities that have interests before the federal courts, is undermining the rule of law and the bedrock American principle of equal justice under law.

Investigative reporting has brought attention to Leonard Leo's leading role in these efforts, including his service with the Trump Administration advising its judicial selection and nominations process.¹ In March 2016, Mr. Leo, who was then Executive Vice President of the Federalist Society, met with Don McGahn and then-candidate Donald Trump to provide a list of possible Supreme Court nominees. After President Trump's election, Mr. Leo reportedly also served on his transition team, took leave from the Federalist Society to advise the Trump Administration on Supreme Court nominations, and continues to serve as an advisor on nominations to federal district and appeals courts. To date, over 85 percent of President Trump's appellate court nominees, including both of his nominees to the Supreme Court, are current or former members of the Federalist Society.

This reporting also places Mr. Leo at the center of a complex network of nonprofit groups and shell entities funded largely by anonymous donors. Between 2014 and 2017 alone, Mr. Leo's network collected more than \$250 million in donations, the sources of which remain unknown. While much of this money has been directed toward advocacy spending in support of judicial nominees through advertising and other means, it appears that Mr. Leo also has a financial interest in these anonymous donations. Although he regularly received upwards of \$400,000 in annual compensation from the Federalist Society, Mr. Leo has declined to disclose his total compensation received through other entities in his network, including from the BH Group, which contributed \$1 million to President Trump's inaugural committee. In addition, he has recently indicated that he is forming a new venture which plans, among other things, to raise and spend millions on issue advocacy campaigns focusing on judges in the 2020 election cycle.

¹ Robert O'Harrow & Shawn Boburg, *A Conservative Activist's Behind-the-Scenes Campaign to Remake the Nation's Courts*, THE WASHINGTON POST (May 21, 2019).

Mr. Leo's prominent role in the Trump Administration's judicial selection and nominations process while maintaining a financial interest in advocacy efforts related to this process has raised questions regarding his potential status as a federal employee and compliance with accompanying laws and regulations. By outward appearances, Mr. Leo may have engaged in the performance of a federal function that must be conducted by government employees authorized to act on behalf of the United States by leading the Administration's efforts to identify and select judicial nominees, and press for their confirmation.²

As a federal employee, Mr. Leo would have been responsible for complying with federal records retention and financial disclosure requirements, as well as the criminal financial conflict of interest statute, 18 U.S.C. § 208. If he was not deemed a federal employee, Mr. Leo's role in the Trump Administration may have violated legal limitations on the federal government's acceptance of voluntary services or restrictions on access to non-public records.³

Mr. Leo's personal financial interest in advocacy efforts related to the judicial selection and nominations process while simultaneously serving with the Trump Administration to advise on the same process raises serious concerns regarding potential conflicts of interest. Documents within the custody of the Office of Personnel Management (OPM) may be relevant to this inquiry. As Congress conducts oversight and considers legislation related to conflicts of interest, and pursuant to 5 U.S.C. 552a(b)(9), we request that you provide records related to the following:

1. Mr. Leo's Financial Disclosures (OGE Form 278 or 450).
2. Any SF-50 for Mr. Leo, and any other documents indicating his employment classification and the legal authority under which he was hired.
3. Payroll records, pay stubs, or any other documentation indicating the dates on which Mr. Leo worked, the amounts he was paid, and any other benefits he received.
4. Documents or agreements related to the administration's compliance with the Antideficiency Act, 31 U.S.C. § 1341.
5. Recusal statements, waivers, authorizations, or other documents related to Mr. Leo's compliance with the Ethics in Government Act and associated regulations.

² Mr. Leo's service appears to meet the legal definition of an "inherently governmental function" that is "so intimately related to the public interest as to require performance by Federal Government employees," 31 U.S.C. § 501 note, at § 5(2)(A), or that "involves, among other things, the interpretation and execution of the laws of the United States so as . . . to commission, appoint, direct, or control officers or employees of the United States," *id.* at § 5(2)(B)(iv).

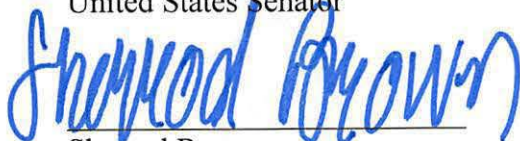
³ 31 U.S.C. § 1342 ("An officer or employee of the United States Government or of the District of Columbia government may not accept voluntary services for either government or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property"); 5 U.S.C. § 552a(b)(1) (permitting disclosure of certain agency records only to "officers and employees" having a need for the record in the performance of their duties).

If OPM is unable to identify documents responsive to any of these requests, we request that you describe the steps taken to find them, and indicate whether, to OPM's knowledge, responsive documents may be located elsewhere in the federal government. We request that you provide the information requested no later than April 3, 2020.

Sincerely,



Sheldon Whitehouse
United States Senator



Sherrod Brown
United States Senator



Mazie K. Hirono
United States Senator



Richard J. Durbin
United States Senator



Richard Blumenthal
United States Senator

DONALD S. BEYER JR.
8TH DISTRICT, VIRGINIA

COMMITTEE ON WAYS AND MEANS

COMMITTEE ON
SCIENCE, SPACE, AND TECHNOLOGY

JOINT ECONOMIC COMMITTEE
(VICE-CHAIR)

Congress of the United States
House of Representatives
Washington, DC 20515-4608

WASHINGTON OFFICE;
1119 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4376

DISTRICT OFFICE;
1901 N. MOORE STREET
SUITE 1108
ARLINGTON, VA 22209

March 13, 2020

The Honorable Dale Cabaniss
Director
Office of Personnel Management
Washington, D.C. 20415

Dear Director Cabaniss:

I write today to encourage you to implement remote teleworking for all capable federal employees as the country takes steps to mitigate the COVID-19 global pandemic and to protect our federal workers and their families. As the virus continues to affect Americans in almost every state, it is vital that the Office of Personnel Management (OPM) take immediate steps to mitigate community spread of the virus, including social distancing measures.

The Centers for Disease Control and Prevention (CDC) continues to stress the importance of social distancing practices to reduce the likelihood of being infected by the coronavirus. Currently, it is believed that the virus is spreading primarily through person-to-person contact via airborne particles from those infected. Expanded telework would decrease the susceptibility of spread via person-to-person contact and therefore is essential that it is mandated for all capable federal employees. The current lack of telework options increases social contact and limits the positive effects of social distancing to reduce community spread.

Federal employees make up a significant portion of my constituency and I have heard from numerous federal workers who feel uncomfortable taking public transit and working in environments with hundreds to thousands of people, potentially unaware they have the virus.

Cases are continuing to spread at a rapid rate and OPM has not yet issued guidance on expanded telework options for federal employees. In keeping with guidelines recommended by the CDC, we urge you to expand telework options for all capable federal employees before the virus continues to spread. COVID-19 has been spreading in the United States for months without a sufficient response from federal agencies. The current OPM policy for individuals deferring to their direct supervisors to telework is not an acceptable response given the severity of this outbreak. Now is the time to act before more employees become sick and lose their lives because of inaction.

Sincerely,



Donald S. Beyer Jr.
Member of Congress

Congress of the United States
Washington, DC 20515

March 17, 2020

The Honorable Donald J. Trump
President
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear Mr. President:

We write to urge you to issue an Executive Order mandating telework for all eligible federal employees and contractors. With 2.1 million federal employees across the globe, 300,000 federal employees in the National Capital Region, and hundreds of thousands of federal contractors across the country, the federal government can help curtail the number of individuals potentially spreading COVID-19 through an immediate telework mandate.

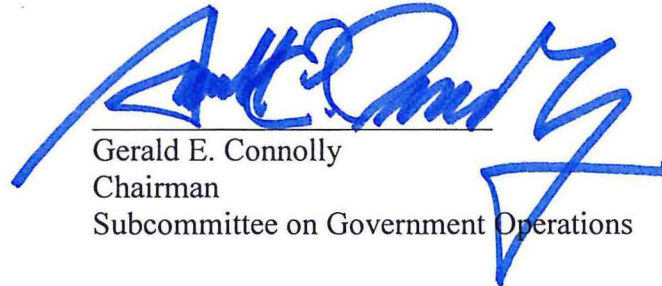
Mandating immediate telework participation to prevent the spread of the disease within the federal employee and contract workforce will also help protect the mission-critical operations of federal agencies. Telework is an essential component of any continuity of operations plan (COOP). According to the Federal Emergency Management Agency's Federal Continuity Directive 1, "there is a direct relationship between an organization's COOP plan and telework." "Telework can assist the sustainment of essential functions during a change to the normal operating status such as a pandemic..."

To date, the Office of Management and Budget has encouraged federal agency heads to maximize telework flexibilities for populations at a higher risk for serious complications from COVID-19 as well for federal employees in the National Capital Region. We are concerned, however, by reports from constituents that some federal supervisors continue to deny telework requests from federal employees and federal contractors who have the capacity to telework and can do so while supporting agency mission-critical operations. We believe more can and should be done to ensure the health of our federal workforce, our contractor workforce, and our nation. Telework participation must be mandated.

The recent rollbacks of federal telework programs under this Administration present a problem. First, they send the wrong message. We should be making it easier, not harder for federal employees and federal contractors to telework. The most recent annual report on the Status of Telework in the Federal Government found that telework participation contracted for the first time since the enactment of the Telework Enhancement Act. Second, new restrictive telework policies leave agencies less equipped to expand telework operations during times of crisis. This difficulty is evidenced by the current COVID-19 outbreak. The importance of maintaining robust telework operations is a difficult lesson to learn during a national emergency and could cost lives.

We urge you to act immediately in the best interest of the safety and health of the federal workforce, the contractor workforce, and the general public by mandating telework for all eligible federal employees and contractors.

Sincerely,



Gerald E. Connolly
Chairman
Subcommittee on Government Operations

SIGNERS:

A. Donald McEachin
Adriano Espaillat
Alan Lowenthal
Alcee L. Hastings
André Carson
Andy Kim
Andy Levin
Ann McLane Kuster
Anna G. Eshoo
Anthony G. Brown
Ayanna Pressley
Barbara Lee
Bill Pascrell, Jr.
Bonnie Watson Coleman
Brendan F. Boyle
C.A. Dutch Ruppersberger
Chris Pappas
Danny K. Davis
David N. Cicilline
David Price
David Trone
Deb Haaland
Deb Haaland
Denny Heck
Derek Kilmer
Diana DeGette
Donald S. Beyer Jr.
Donna E Shalala

Ed Perlmutter
Eleanor Holmes Norton
Eliot L. Engel
Harley Rouda
Jahana Hayes
Jamie Raskin
Jennifer Wexton
Jimmy Gomez
Joe Courtney
John Garamendi
John P. Sarbanes
Kathleen M. Rice
Katie Porter
Linda T. Sánchez
Lori Trahan
Mark Pocan
Mike Doyle
Peter A. DeFazio
Raúl M. Grijalva
Rick Larsen
Robert C. "Bobby" Scott
Steny H. Hoyer
Stephen F. Lynch
Susan Wild
Suzan K. DelBene
TJ Cox
Tony Cardenas
Wm. Lacy Clay

Matt Cartwright
Joe Neguse

ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEES

CHAIRWOMAN, HIGHWAYS AND TRANSIT

ECONOMIC DEVELOPMENT, PUBLIC
BUILDINGS AND EMERGENCY
MANAGEMENT

RAILROADS, PIPELINES, AND HAZARDOUS
MATERIALS



Congress of the United States
House of Representatives
Washington, DC 20515-1501

COMMITTEE ON OVERSIGHT AND
REFORM

SUBCOMMITTEES

CIVIL RIGHTS AND CIVIL LIBERTIES

GOVERNMENT OPERATIONS

March 19, 2020

Russ Vought
Acting Director
Office of Management and Budget
725 17th Street NW
Washington, D.C. 20503

Michael Rigas
Acting Director
Office of Personnel
Management
1900 E Street NW
Washington, D.C. 20503

Acting Directors Vought and Rigas:

As you well know, the current problems caused by the coronavirus are affecting every single American, including federal employees. Countless federal employees are teleworking to attempt to stay safe from the virus, and also to care for their family members, including children who are forced to stay home from school and daycare. We understand that because of the time these federal employees must spend on caring for family members, these teleworking federal employees are having to use their leave time, go without pay, or telework longer hours in the early morning or late evening to make up for the lost hours they spend caring for their families. This has put an unsustainable burden on numerous families. We therefore write to encourage you to allow teleworking employees who are also caring for family members to have up to 15 hours of administrative or other designated paid leave per week to care for their family members. This would still require federal employees to work five hours per day, providing vital federal services, while allowing them to manage their family care duties.

We believe this measure would provide great relief for federal employees who have no other option during these unprecedented times.

Sincerely,

Eleanor Holmes Norton

MAIN DISTRICT OFFICE
90 K STREET, N.E., SUITE 300
WASHINGTON, D.C. 20002-4203
(202) 408-9041
(202) 408-9048 (FAX)

2136 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515-5101
(202) 225-8050
(202) 225-3002 (FAX)
(202) 225-7829 (TDD)
WWW.NORTON.HOUSE.GOV
PRINTED ON RECYCLED PAPER

SOUTHEAST DISTRICT OFFICE
2235 SHANNON PLACE, S.E. SUITE 2032
WASHINGTON, D.C. 20020-7026
(202) 678-8900
(202) 678-8844 (FAX)

THIS MAILING WAS PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE.

JENNIFER WEXTON
10TH DISTRICT, VIRGINIA

COMMITTEE ON
FINANCIAL SERVICES

COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY

Congress of the United States
House of Representatives
Washington, DC 20515-4610

WASHINGTON OFFICE
1217 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5136

STERLING OFFICE
21351 GENTRY DRIVE, SUITE 140
STERLING, VA 20166
(703) 234-3800

WINCHESTER OFFICE
100 NORTH LOUDOUN STREET
SUITE 120
WINCHESTER, VA 22601

March 9, 2020

The Honorable Dale Cabaniss
Director
Office of Personnel Management
1900 E Street NW
Washington, DC 20415-1000



Dear Director Cabaniss:

I write regarding guidance issued to federal agencies in preparation for the potential impact of Coronavirus Disease 2019 (COVID 19), specifically with regard to paid leave for employees who are exempted from telework participation due to the specific nature of their work.¹ While I appreciate the steps the Office of Personnel Management (OPM) has already taken to ensure federal agencies have up-to-date information regarding COVID 19, including establishing a working group to determine what human resources (HR) flexibilities might be needed, I am concerned that employees exempted from telework and with medically vulnerable family members do not have the flexibility to use paid leave prior to presenting symptoms of COVID 19.

OPM Memorandum CPM 2020-02 issued on February 7th, 2020 included additional guidance to assist agency heads in determining appropriate HR flexibilities that may be utilized.² For many federal employees, telework programs will enable them to continue their work from an approved location which is generally the employee's home. However, a substantial number of employees are not authorized for telework because their work duties do not allow for alternative worksites, such as the handling of secure or classified materials or requiring face-to-face information sharing with the public.

Under current guidance, telework exempted employees who have medically vulnerable family members at home, and are at a higher risk from COVID 19 than the general population, are without options for paid leave until they present symptoms of the virus or have a family member undergoing a medical emergency. For these families, a medical emergency brought upon by COVID 19 could be fatal and many are struggling to undertake their own steps to limit exposure risks while their family member continues to report to their employment site.

Therefore, I ask that guidance be issued to enable employees unable to telework for reasons described above and with family members who have complex medical needs, be given options for paid leave in order to keep their family members safe from COVID 19.

¹ 5 U.S.C. § 6502(4)

² <https://www.chcoc.gov/content/human-resources-flexibilities-available-federal-employees-impacted-2019-novel-coronavirus>

With several cases of COVID 19 now in Virginia and Maryland as well as at federal facilities Fort Belvoir and NASA Ames Research Center, I appreciate your swift response to ensuring there are paid leave options for these employees to protect the safety and wellbeing of their families.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Wexton". The signature is fluid and cursive, with a large initial "J" and a stylized "W".

Jennifer Wexton
Member of Congress

MICHAEL F. BENNET
COLORADO

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United States Senate
WASHINGTON, DC 20510-0609

WASHINGTON, DC:
261 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5852

COLORADO:
CESAR E. CHAVEZ BUILDING
1244 SPEER BOULEVARD
DENVER, CO 80204
(303) 455-7600
<http://www.bennet.senate.gov>

April 9, 2020

The Honorable Robert Wilkie
Secretary of Veterans Affairs
810 Vermont Avenue, NW
Washington, D.C. 20420

Acting Director Michael Rigas
U.S. Office of Personnel Management
1900 E Street, NW
Washington, D.C. 20415

Dear Secretary Wilkie and Acting Director Rigas,

I write today concerning impending staff shortages in the custodial and housekeeping fields at the Rocky Mountain Regional VA Medical Center in Denver, Colorado.

As a result of Coronavirus Disease 2019 (COVID-19) and to ensure compliance with guidance from the Centers for Disease Control and Prevention (CDC), the Rocky Mountain Regional VA Medical Center has a higher demand for custodial and housekeeping staff and a critical need to hire rapidly. However, due to 5 CFR 330.401, they are required to give preference to veterans and other specified groups for any custodial and housekeeping positions. While I applaud this important rule, the pandemic requires we meet new demands in a timely way to potentially include temporary Direct Hire Authority Waivers. The current requirements are exacerbating the Department of Veterans Affairs (VA) ability to meet immediate needs.

I ask that the VA address the urgent need for custodial and housekeeping staff and allow the Rocky Mountain Regional VA Medical Center to meet the demand for an urgently-needed workforce by allowing access into a greater pool of applicants more quickly.

Thank you for your urgent attention to this matter.

Sincerely,



Michael F. Bennet
United States Senator

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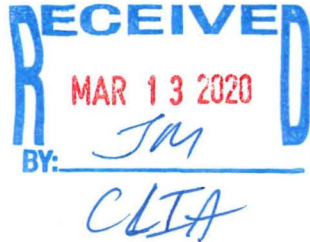
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March 11, 2020

The Honorable Dale Cabaniss
Director
Office of Personnel Management
1900 E Street, NW
Washington, D.C. 20415

Ambassador Richard Grenell
Acting Director of National Intelligence
Washington, D.C. 20511

SSCI# 2020-1259



Dear Director Cabaniss and Acting Director Grenell:

I write to ask you to issue guidance directing agencies to ensure that the coronavirus (COVID-19) does not negatively impact adjudications for government or contractor employees' security clearances or determinations of trust.

COVID-19 may have many effects on our workforce, to include financial difficulty and psychological stress. Efforts to prevent the spread of COVID-19 may require government and contractor personnel to self-quarantine or tend to family members, which in may cause them miss payments on things like rent, mortgage, credit cards, or other forms of debt. The impact may be particularly acute for hourly workers. This could impact their credit scores and jeopardize their ability to secure or maintain a clearance or hold a position of trust. The problem is particularly acute for younger workers who lack a long credit history. Psychological strain can naturally accompany such circumstances, exacerbating the situation.

While I understand that departments and agencies may already have certain discretion to consider broader contextual factors that may affect personnel vetting decisions, I ask you to issue clear and public guidance to ensure that departments and agencies do not penalize employees' clearances or determinations of trustworthiness due to circumstances associated with COVID-19. This guidance should apply to any information used in an initial clearance, a periodic reinvestigation, or a continuous evaluation/vetting program.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads 'Mark R. Warner'. The signature is written in a cursive, flowing style.

Mark R. Warner
Vice Chairman

United States Senate
WASHINGTON, DC 20510

May 5, 2020

Russell T. Vought
Acting Director
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Michael J. Rigas
Acting Director
Office of Personnel Management
1900 E Street NW
Washington, DC 20415

Dear Mr. Vought and Mr. Rigas,

As Congress considers additional measures to respond to the COVID-19 crisis, we urge you to use your existing authority to address urgent issues facing federal employees and contractors, including measures that would build on steps you have already taken. Many of these workers are on the front lines of the COVID-19 public health emergency, and many more are keeping vital services running and implementing the relief measures recently enacted by Congress. All civil servants and contractor employees deserve our full support now more than ever.

Hazard pay

Many federal workers and contractor employees are putting themselves at increased risk of COVID-19 to work on the frontlines of the public health response and continue essential public-facing services. We appreciate the Office of Personnel Management (OPM) guidance on recruitment, retention, and relocation bonuses in response to COVID-19, and we urge you to build on this by using existing hazard pay authority to provide a 25% increase in basic pay for employees in essential, frontline, or public-facing positions whose jobs cannot be accomplished while maintaining the Centers for Disease Control and Prevention (CDC) social distancing recommendations.¹ The statute provides for hazardous pay differentials for duties involving unusual hazards that are not typical for the job, which certainly describes the current situation for many workers.² We further urge you to issue guidance for agencies to negotiate equitable adjustments with contractors to provide similar hazard pay to contractor employees.

Telework

All federal employees and contractors who can perform their duties remotely should be doing so. We appreciate the guidance that OPM and the Office of Management and Budget (OMB) have issued for agencies to maximize telework, but agencies and workers need further clarification and support. Maximizing telework should generally mean that anyone who is able to telework should be teleworking full time, and agencies should enable telework for as many federal workers and contractor personnel as possible. We also urge you to provide agencies with guidance to provide flexibility so that employees can adjust their schedules without a reduction in pay to accommodate needs to care for children and family members.

¹ OPM. *Recruitment, Relocation, and Retention Incentive Waiver Requests for COVID-19 Pandemic Health Crisis*.

² 5 U.S.C. § 5545(d)

Training and technology should be fully available to enable and support telework, and Congress provided funding in the CARES Act to expand telework at several agencies. Some agencies have significant and long-standing success with managing a remote workforce, and OPM and OMB should facilitate the sharing of those best practices government-wide.

Safety leave

We appreciate OMB's prior guidance encouraging agencies to approve leave for safety reasons for employees at high risk of COVID-19 who are not eligible for telework, and we believe agencies would benefit from clearer guidelines on how to implement this policy. Agencies should receive clear criteria to make greater use of safety leave, including how to weigh costs and benefits in order to reach a determination.

In addition to employees defined as high risk by the CDC, who are referenced in the current OMB guidance on safety leave, federal agencies would benefit from guidance for consistent use of safety leave in other circumstances.³ Safety leave also has positive effects to mitigate community spread within federal facilities and surrounding communities. This is especially true in large federal facilities with many employees and in communities that rely on mass transit.

Personal protective equipment and cleaning supplies

The need for adequate supplies of personal protective equipment (PPE) remains a significant concern for frontline and essential workers across the country, including federal employees and contractors, who have not had access to the PPE as well as cleaning and disinfecting supplies they need to do their job safely. Congress has provided significant resources to address these needs for workers across the country, as well as appropriations for several agencies to procure the safety equipment and supplies needed for their workforces. All federal employees and contractors – like workers across the country – should have everything they need to stay safe on the job.

Pay continuity for contractor employees

Section 3610 of the CARES Act authorizes federal agencies to use their funds to modify contracts in order to reimburse costs incurred by a contractor to provide paid leave to employees who cannot work due to facility closures or other restrictions. This provision enables agencies to keep their contractor workforce in a ready state to return to the job when that becomes possible.

Building on the OMB guidance for how agencies should determine whether and how to utilize this provision, we urge you to encourage agencies to maximize their use of this important new law.⁴ Providing pay continuity mitigates the economic fallout from COVID-19 for contractor employees, their families, and surrounding communities.

Collaboration with workers

We urge you to engage in consultation and collaboration with workers and their unions to develop and implement policies to address the issues covered in this letter and other workplace

³ OMB. *Updated Guidance on Telework Flexibilities in Response to Coronavirus*. March 12, 2020.

⁴ OMB. *Preserving the Resilience of the Federal Contracting Base in the Fight Against the Coronavirus Disease 2019 (COVID-19)*. April 17, 2020.

matters. These workers are bearing the consequences of these policies now, and will continue to be the ones most impacted by the decisions that are made going forward.

Workers who are providing service to the nation have perspectives and ideas that will enable agencies to fulfill their missions effectively and efficiently. For that reason, we also urge you to follow through with conducting the Federal Employee Viewpoint Survey this year to continue collection of this data at a time when it is especially important.

Thank you for your attention to these matters, and we look forward to your reply.

Sincerely,

/s/ Chris Van Hollen
United States Senator

/s/ Susan M. Collins
United States Senator

/s/ Angus S. King, Jr.
United States Senator

/s/ Lisa Murkowski
United States Senator

/s/ Edward J. Markey
United States Senator

/s/ Dianne Feinstein
United States Senator

/s/ Mazie Hirono
United States Senator

/s/ Kamala D. Harris
United States Senator

/s/ Kirsten Gillibrand
United States Senator

/s/ Gary C. Peters
United States Senator

/s/ Joe Manchin III
United States Senator

/s/ Sherrod Brown
United States Senator

/s/ Benjamin L. Cardin
United States Senator

/s/ Kyrsten Sinema
United States Senator

/s/ Sheldon Whitehouse
United States Senator

/s/ Ron Wyden
United States Senator

/s/ Jack Reed
United States Senator

/s/ Richard J. Durbin
United States Senator

/s/ Amy Klobuchar
United States Senator

United States Senate
WASHINGTON, DC 20510

April 27, 2020

Russell T. Vought
Acting Director
Office of Management and Budget
725 17th St. NW
Washington, DC 20503

Michael J. Rigas
Acting Director
United States Office of Personnel Management
1900 E Street NW
Washington, DC 20415-1000

Dear Mr. Vought and Mr. Rigas:

We write to request information about current policies and procedures at the Office of Management and Budget (OMB) and the U.S. Office of Personnel Management (OPM) regarding the safety of federal workers during the coronavirus (COVID-19) pandemic. The federal civilian workforce includes nearly two million employees located in the United States.¹ OMB and OPM have the authority and responsibility to make sure that federal agencies have effective and clear policies to protect these employees and prevent them from contracting and unwittingly spreading the virus during the COVID-19 pandemic.

We are seeking information about your office's efforts to (1) ensure that agencies are maximizing telework across their workforce, (2) collect and provide data on current teleworking practices at federal agencies, and (3) standardize the procedures by which positive cases of COVID-19 are handled and disclosed.

In addition, we are seeking information about how OMB and OPM are evaluating when it is safe for federal employees to reduce telework and return to work at their job sites. Last week, your agencies issued a memo that directs federal agencies to "incorporate" the President's Opening Up America Again guidelines "into agency workplace protocols," and encourages federal agencies to "to allow Federal employees and contractors to return to the office in low-risk areas."² Public health experts have expressed serious concerns about these guidelines and warned

¹ U.S. Office of Personnel Management, "Federal Workforce Data," June 2019, <https://www.fedscope.opm.gov/employment.asp>.

² Office of Management and Budget and Office of Personnel Management, "Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again," April 20, 2020, <https://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf>.

that there is still not sufficient testing, tracing, or personal protective equipment to know what, where, and when it is safe to relax certain social distancing and quarantine guidelines.³ As the number of coronavirus cases and the number of deaths—including deaths of federal employees—continue to rise,⁴ it is imperative that all federal employees are appropriately protected, and have assurance that their safety will take precedence and be the highest priority in decisions about when and how they return to their job sites.

Teleworking Has Been Implemented Inconsistently Across the Federal Government

On March 3, 2020, days after the announcement of what was then the first known COVID-19-related death in the United States,⁵ OPM issued a government-wide memo directing agencies to “incorporate telework into the continuity of operations plan[s].”⁶ It was two more weeks before OMB issued a memorandum directing federal agency heads to “maximize telework across the nation for the Federal workforce (including mandatory telework, if necessary),” and to “extend telework flexibilities to contract workers wherever feasible.”⁷ By that date, more than 100 Americans had died as a result of COVID-19.⁸ OMB and OPM risked the safety of federal employees by waiting so long to issue strong telework guidance. Moreover, almost one month after it was put in place, this guidance has still not led to a uniform or rapid shift to telework across all agencies.

For example, the head of the U.S. Department of Veterans Affairs (VA) Veterans Health Administration, which has over 355,000 employees,⁹ did not reverse a ban on telework for applicable employees until March 21, after *ProPublica* reported that employee requests to work from home were being ignored.¹⁰ The Social Security Administration (SSA) did not implement

³ The Guardian, “Operation reopen America: are we about to witness a second historic failure of leadership from Trump?,” Ed Pilkington and Dominic Rushe, April 18, 2020, <https://www.theguardian.com/us-news/2020/apr/18/operation-reopen-america-are-we-about-to-witness-a-second-historic-failure-of-leadership-from-trump>.

⁴ Government Executive, “Coronavirus Roundup: Federal Employee Cases and Deaths Continue to Increase,” Courtney Bubl , April 14, 2020, <https://www.govexec.com/workforce/2020/04/coronavirus-roundup-federal-employee-cases-and-deaths-continue-increase/164603/>.

⁵ NPR, “President Trump Confirms 1st U.S. Coronavirus Death; U.S. Heightens Travel Warnings,” Meg Anderson, February 29, 2020, <https://www.npr.org/2020/02/29/810722517/seattle-area-patient-with-coronavirus-dies>; NPR, “1st Known U.S. COVID-19 Death Was Weeks Earlier Than Previously Thought,” Bill Chappell, April 22, 2020, <https://www.npr.org/sections/coronavirus-live-updates/2020/04/22/840836618/1st-known-u-s-covid-19-death-was-on-feb-6-a-post-mortem-test-reveals>.

⁶ U.S. Office of Personnel Management, “Memorandum for: Heads of executive departments and agencies,” March 3, 2020, <https://chcoc.gov/content/preliminary-guidance-agencies-during-coronavirus-disease-2019-covid-19>.

⁷ Office of Management and Budget, “Memorandum for the heads of departments and agencies,” March 17, 2020, <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-16.pdf>.

⁸ Washington Post, “U.S. coronavirus death toll surpasses 100,” Reis Thebault, Abigail Hauslohner and Jacqueline Dupree, March 17, 2020, https://www.washingtonpost.com/national/us-coronavirus-death-toll-reaches-100/2020/03/17/f8d770c2-67a8-11ea-b313-df458622c2cc_story.html.

⁹ U.S. Office of Personnel Management, “Federal Workforce Data,” June 2019, <https://www.fedscope.opm.gov/employment.asp>.

¹⁰ ProPublica, “The VA Will Now Let Some Administrative Staff Work From Home,” Bryant Furlow, March 25, 2020, <https://www.propublica.org/article/va-veterans-health-administration-telework-policy-work-from-home-coronavirus>; ProPublica, “The Veterans Health Administration Has Banned Even Administrative Employees From

full telework for most employees until March 20,¹¹ and the Internal Revenue Service (IRS) did not do so until March 30.¹² The Environmental Protection Agency (EPA) issued a new order restricting telework on March 15—although the agency subsequently said the new restrictions did not apply during the pandemic¹³—and leadership did not urge EPA employees to work from home until March 20, the day a second EPA employee received a confirmed COVID-19 diagnosis.¹⁴

Astonishingly, some federal employees who have jobs that can be done remotely are still not able to access telework. On April 13, *Government Executive* reported that some employees of the U.S. Department of Justice Executive Office of Immigration Review (EOIR) are still not being allowed to telework, even after one had COVID-19 symptoms. The report states that “while the attorneys and paralegals may work remotely, the agency still is not allowing most support staff and clerks to telework, citing a lack of laptops.”¹⁵ One agency employee reports being told, “that if they were uncomfortable continuing to work in the office, they would have to take personal leave.”¹⁶ We are disturbed by reports that more senior staff at EOIR are being allowed to telework, while administrative staff are being required to come in.

In addition, due to security concerns, many/most employees at intelligence agencies may be unable to conduct substantial amounts of their work at home, putting them at risk of contracting COVID-19; needless to say, a COVID-19 outbreak among the federal intelligence workforce would pose implications for national security.¹⁷

The *Telework Enhancement Act of 2010* gives OMB and OPM certain responsibilities to ensure the widespread availability of telework across the federal government.¹⁸ Especially during this pandemic, OMB and OPM must take additional steps to monitor telework practices at the agencies and ensure that as many employees as possible are able to telework.

Positive COVID-19 Cases Are Being Reported and Handled Inconsistently

Working From Home,” Bryant Furlow, March 20, 2020, <https://www.propublica.org/article/the-veterans-health-administration-has-banned-even-administrative-employees-from-working-from-home>.

¹¹ Government Executive, “Social Security Institutes Fulltime Telework for Most Employees,” Erich Wagner, March 20, 2020, <https://www.govexec.com/management/2020/03/social-security-institutes-fulltime-telework-most-employees/163979/>.

¹² Federal News Network, “IRS issues evacuation notice putting nearly all employees on mandatory telework,” Jory Heckman, March 27, 2020, <https://federalnewsnetwork.com/workforce/2020/03/nteu-says-irs-preparing-evacuation-notice-to-send-all-employees-home/>.

¹³ The Hill, “New EPA order limits telework post-pandemic,” Rachel Frazin, March 24, 2020, <https://thehill.com/policy/energy-environment/489293-new-epa-order-limits-telework-post-coronavirus>.

¹⁴ E&E News, “Wheeler urges telework as 2nd staffer tests positive,” Corbin Hiar, March 20, 2020, <https://www.eenews.net/stories/1062655813>.

¹⁵ Government Executive, “Immigration Review Office Remains Open Despite Potential COVID-19 Exposure,” Erich Wagner, April 13, 2020, <https://www.govexec.com/management/2020/04/immigration-review-office-remains-open-despite-potential-covid-19-exposure/164584/>.

¹⁶ *Id.*

¹⁷ Wall Street Journal, “Spies, Unable to Telework, Adapt Their Access to U.S. Secrets,” Warren P. Strobel and Dustin Volz, April 6, 2020, <https://www.wsj.com/articles/spies-unable-to-telework-adapt-their-access-to-u-s-secrets-11586177533>.

¹⁸ Telework Enhancement Act of 2010, Public Law 111-292.

There also appear to be disparities across agencies in terms of how federal agencies disclose positive COVID-19 cases in their workforces. Thousands of federal employees have reportedly been infected with COVID-19.¹⁹ When an employee tests positive, it is critical that management act on this information immediately, so that those who have come into contact with that employee can be informed, self-quarantine, and get tested in order to prevent further spread. But there is apparently no consistency across agencies in terms of how and when cases are reported.

For example, hours after the Department of Transportation learned of a positive case, it disclosed the employee's office location and sent other employees home.²⁰ In contrast, communications about COVID-19 across the Department of State are haphazard, and possibly inaccurate—Secretary of State Pompeo told reporters that you could count the number of employees who tested positive “on one hand,” although at the time there were reportedly dozens of suspected cases among State Department employees.²¹ There are now at least 150 confirmed cases, and at least one death.²² While the U.S. Postal Service told employees that they would be informed “if an employee in your workplace is confirmed to have COVID-19,”²³ postal workers are reporting that they are instead first hearing about cases through their colleagues.²⁴ One mail handler said, “people are scared because management has stopped communicating. We have a right to know from management exactly how many cases are confirmed in the building.”²⁵

At the VA, reports indicate that staff who have been exposed to the virus are pressured to return to work soon after exposure because “those who take time off to self-isolate after a potential exposure without experiencing symptoms risk being labeled ‘absent without leave,’” negatively impacting their pay and promotion opportunities.²⁶ Reports indicate that this “is creating a stressful environment in which VA workers worry their colleagues may be hiding symptoms

¹⁹ Government Executive, “Thousands of Federal Employees Have Contracted COVID-19,” Eric Katz, April 2, 2020, <https://www.govexec.com/workforce/2020/04/thousands-federal-employees-have-contracted-covid-19/164337/>.

²⁰ Federal News Network, “Transportation sends all headquarters employees home due to coronavirus case,” March 19, 2020, <https://federalnewsnetwork.com/workforce/2020/03/transportation-sends-all-headquarters-employees-home-due-to-coronavirus-case/>.

²¹ Politico, “Trump administration confronts a growing coronavirus threat within,” Nolan D. McCaskill, March 20, 2020, <https://www.politico.com/news/2020/03/20/coronavirus-government-agencies-transparency-138711>.

²² Government Executive, “Thousands of Federal Employees Have Contracted COVID-19,” Eric Katz, April 2, 2020, <https://www.govexec.com/workforce/2020/04/thousands-federal-employees-have-contracted-covid-19/164337/>; CNBC, “State Department confirms first official to die from coronavirus,” Amanda Macias, March 31, 2020, <https://www.cnbc.com/2020/03/31/state-department-confirms-first-official-to-die-from-coronavirus.html>.

²³ U.S. Postal Service, “Mandatory Stand-Up Talk,” March 30, 2020, <https://documentcloud.adobe.com/link/review/?pageNum=1&uri=urn%3Aaaid%3Aascds%3AUS%3A5ffbc583-00d7-4cdb-86ea-d3188979bc79>.

²⁴ ProPublica, “Postal Workers Say USPS Isn’t Telling Them When Colleagues Test Positive for COVID-19, Despite Promising To,” Maryam Jameel, April 14, 2020, <https://www.propublica.org/article/postal-workers-say-usps-isnt-telling-them-when-colleagues-test-positive-for-covid-19-despite-promising-to>.

²⁵ *Id.*

²⁶ Government Executive, “VA Instructs Coronavirus-Exposed Staff to Continue Working, Places Those Who Don’t in AWOL Status,” Eric Katz, April 17, 2020, <https://www.govexec.com/workforce/2020/04/va-instructs-coronavirus-exposed-staff-continue-working-places-those-who-dont-awol-status/164693/>.

while they have insufficient equipment to protect themselves and others from spreading the virus.”²⁷

Your agencies are uniquely positioned to coordinate communication about positive cases of COVID-19 in the federal workforce and provide agencies with uniform guidance on how such cases should be handled. The federal government should be providing a model of safe and clear reporting systems; right now, it is failing to do so.

Teleworking Guidance Must Not Be Ended Prematurely

Efforts to return to work must be done safely, according to guidance of medical experts and public health officials, and ensure that workers have the protective equipment needed to do their jobs safely and effectively. Your April 20 joint guidance outlines “a process for agency heads and leaders to make decisions for their workforce operations while utilizing the different telework postures implemented during the outset of the COVID-19 response.”²⁸ For agencies with glaring telework deficiencies, the recently-issued OMB and OPM memo may be a signal that, because further direction to re-open the government may be forthcoming, there is no need to make telework more widely available. Given the serious and ongoing concerns regarding telework implementation across the federal government, we would like to know how you plan to evaluate agencies’ plans to determine when it is appropriate to resume regular operations. In addition, because your recent guidance depends on “the Phase of a state, county, region, or metropolitan-area determined by the state assessment,” we would like to know how you plan to evaluate individual departments and offices’ plans across the country.²⁹

In the face of this pandemic, your agencies should take aggressive and ongoing measures, as recommended by public health experts, to protect federal workers and prevent the deadly spread of COVID-19. Additionally, this crisis has demonstrated the clear ability of a great many federal workers to work remotely via telework and has therefore renewed questions regarding why this Administration has restricted effective, efficient, and—as this moment demonstrates—beneficial telework for federal workers.

To address our concerns, we request that OMB and OPM provide answers to the following questions by May 11, 2020. We also encourage you to convene a virtual or socially-distanced meeting or task force of the Chief Human Capital Officers Council (the Council), which coordinates the human capital policies of federal agencies, in order to gather and report this information in as comprehensive a way as possible.³⁰

²⁷ Government Executive, “VA Instructs Coronavirus-Exposed Staff to Continue Working, Places Those Who Don’t in AWOL Status,” Eric Katz, April 17, 2020, <https://www.govexec.com/workforce/2020/04/va-instructs-coronavirus-exposed-staff-continue-working-places-those-who-dont-awol-status/164693/>.

²⁸ Office of Management and Budget and Office of Personnel Management, “Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again,” April 20, 2020, <https://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf>.

²⁹ *Id.*

³⁰ Chief Human Capital Officers Council, “Council Charter,” <https://www.chcoc.gov/content/council-charter>.

1. What is your agency's process for providing guidance for the federal workforce regarding the COVID-19 crisis? Who are the officials tasked with leading that effort? To what extent are public health officials involved?
2. What actions does your agency take to monitor and enforce federal agencies' compliance with the directive to "maximize telework"³¹ for workers and contractors?
3. At each agency, please provide the following information:
 - a. What percentage of employees are eligible for telework?
 - b. Of those, what percentage of employees are currently teleworking full-time?
 - c. Of employees who are not teleworking, please describe the frequency of the reasons why they are not teleworking. For example, what percentage of non-teleworking employees are not teleworking because their duties are location-specific, or because they have not been given access to proper equipment, or because they do not have sufficient internet connections?
4. Why have government-wide memos regarding COVID-19 telework guidance been issued by OMB, when such guidance has traditionally been issued by OPM?
5. How many positive cases of COVID-19 in the federal workforce is your agency aware of? How many fatalities? Please provide information on an agency-by-agency basis.
6. What actions does your agency take to ensure that it is aware of all cases of COVID-19 in the federal workforce?
7. What procedures has your agency implemented regarding employer and worksite requirements when there is a potential or confirmed case of COVID-19 among federal employees or contractors? How does your agency ensure those procedures are followed?
8. Does your agency have, or is it working to draft, guidance for agencies on how to handle situations where critical and/or senior personnel are sick?
 - a. As an example, please provide any contingency plans that have been put in place for OMB and OPM, such as a depiction of possible alternative organizational structures if circumstances were to disrupt the existing chain of command.
9. Does your agency have, or is it working to draft, guidance for agencies to ensure that employees are protected if they report unsafe working conditions related to exposure to COVID-19?
10. How will your agency determine when it is safe and appropriate to roll back the telework guidance that has been issued?
 - a. Will you rely solely on the Opening Up America Again guidance?

³¹ Office of Management and Budget, "Memorandum for the heads of departments and agencies," March 17, 2020, <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-16.pdf>; Office of Management and Budget and Office of Personnel Management, "Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again," April 20, 2020, <https://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf>.

- b. Which officials will be involved in providing information necessary to making the determination before any such determination is announced?
 - c. When and how will your agency communicate how this decision will be made to federal employees?
 - d. Will you consult with unions representing federal employees to determine the appropriate method of making this decision?
 - e. Will you consult with the state and local public health departments in areas with substantial numbers of federal workers? What if these public health officials provide different advice than the official “state assessment” referenced in your guidance?³²
11. Has your agency taken steps to reconsider its previous restrictions on telework moving forward more generally, in light of the obvious workability and benefits of broad telework flexibility as demonstrated by this crisis?
12. Please describe the roles and responsibilities, if any, that your agencies have in relation to the White House Coronavirus Task Force, including which officials participate in task force activities and what those activities include.

Sincerely,

Elizabeth Warren
United States Senator

Patty Murray
United States Senator

Gary C. Peters
United States Senator

Edward J. Markey
United States Senator

Mark R. Warner
United States Senator

Richard Blumenthal
United States Senator

Chris Van Hollen
United States Senator

Robert Menendez
United States Senator

Benjamin L. Cardin
United States Senator

Sherrod Brown
United States Senator

³² Office of Management and Budget and Office of Personnel Management, “Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again,” April 20, 2020, <https://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf>.

Bernard Sanders
United States Senator

Mazie K. Hirono
United States Senator

Debbie Stabenow
United States Senator

Tim Kaine
United States Senator

Angus S. King, Jr.
United States Senator

Kirsten E. Gillibrand
United States Senator

Ron Wyden
United States Senator

Richard J. Durbin
United States Senator

Dianne Feinstein
United States Senator

Kamala D. Harris
United States Senator

Amy Klobuchar
United States Senator

Jeanne Shaheen
United States Senator

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<http://oversight.house.gov>

April 17, 2020

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

Dear Acting Director Rigas:

The Subcommittee is writing in support of the decision by the Office of Personnel Management (OPM) to delay the government-wide Federal Employee Viewpoint Survey (FEVS) to July. The Subcommittee also believes that, as Acting Director of OPM and therefore Acting Chair of the Chief Human Capital Officers Council (CHCOC), you have a unique opportunity to collect information on federal agency leadership and management practices during the coronavirus crisis.

On March 31, OPM postponed the 2020 FEVS commencement to July 13, 2020, in order to support “critical agency missions as well as maximize employee participation in the survey.”¹ Given the essential and urgent role of federal workers in responding to this pandemic, we recognize the need to delay the FEVS by two months from its planned start.

However, this year, OPM has a unique opportunity to collect information that the federal government currently lacks: data on how agencies lead and manage during a crisis. Federal employees have continued to work and deliver critical services to the public while combating an unprecedented global health crisis. An examination of the efficacy of agency leadership is more important now than ever before.

Federal agencies are required by law to conduct an annual survey that assesses employee satisfaction and leadership and management practices that contribute to agency performance. In addition, OPM is required to specify standardized survey questions to allow comparison of leadership and engagement scores across agencies.²

¹ Memorandum from Michael J. Rigas, Acting Director, Office of Personnel Management, to Heads of Executive Departments and Agencies, 2020 Federal Employee Viewpoint Survey Delay (Mar. 31, 2020) (online at www.chcoc.gov/content/2020-federal-employee-viewpoint-survey-delay).

² Pub. L. No. 108-136 (2004).

OPM should use this opportunity to craft temporary questions that assess agency preparedness and response, including, for example, ensuring continuity of operations during the pandemic. OPM could create first-of-its-kind data that will enable agencies to evaluate and improve their leadership posture and performance during a crisis. The Survey is an opportunity to improve agency performance and identify resources to better prepare the federal workforce and its leaders for future crises.

For these reasons, we request a briefing by May 1, 2020, to discuss the measures OPM has taken or will take to administer the 2020 FEVS.

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 regarding this request, please contact Subcommittee staff at (202) 225-5051.

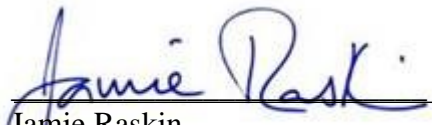
Sincerely,



Gerald E. Connolly
Chairman
Subcommittee on Government Operations



Stephen F. Lynch
Chairman
Subcommittee on National Security



Jamie Raskin
Chairman
Subcommittee on Civil Rights and Civil Liberties



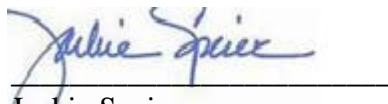
Eleanor Holmes Norton
Member
Committee on Oversight and Reform



Ro Khanna
Member
Committee on Oversight and Reform



John P. Sarbanes
Member
Committee on Oversight and Reform



Jackie Speier
Member
Committee on Oversight and Reform

The Honorable Michael Rigas

Page 3

cc: The Honorable Jody B. Hice, Ranking Member
Subcommittee on National Security

The Honorable Chip Roy, Ranking Member
Subcommittee on Civil Right and Civil Liberties

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074

<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.¹ 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.²

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.³ But the daily number of tests

¹ 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).

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/).

³ 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).

performed in the United States is not increasing, and the number of tests per capita lags well behind other developed nations.⁴ 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.⁵

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.⁶

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.⁷ 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.⁸

⁴ *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).

⁵ *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).

⁶ 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).

⁷ 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/governorvirginiagov/governor-of-virginia/pdf/4.23.20-Regional-Letter-to-OPM.pdf).

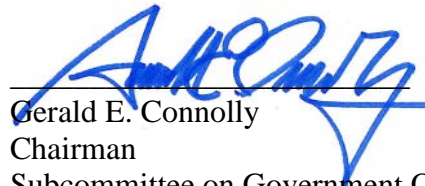
⁸ *'Convinced': Fauci Says There Will Be Coronavirus in The Fall After Trump Says 'It May Not Come Back'*, USA Today (Apr. 23, 2020) (online at www.usatoday.com/story/news/politics/2020/04/22/coronavirus-dr-anthony-fauci-says-i-am-convinced-second-wave/3009131001/).

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

RON JOHNSON, WISCONSIN, CHAIRMAN

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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

June 3, 2020

Dennis Coleman
Chief Financial Officer
U.S. Office of Personnel Management
1900 E St NW,
Washington, DC 20415

Clare Martorana
Chief Information Officer
U.S. Office of Personnel Management
1900 E St NW,
Washington, DC 20415

Dear Mr. Coleman and Ms. Martorana:

I write to urge you to work together to modernize the Office of Personnel Management's information technology (IT) systems in order to improve security, increase efficiency, and reduce wasteful spending associated with the maintenance of legacy IT systems. Legacy IT systems, as you know, are outdated systems that are no longer supported by the vendor, require highly specialized personnel to maintain, and often do not support current software or current agency needs.

The public health emergency caused by COVID-19 underscores the need for federal agencies to invest in modernizing current IT systems that cannot meet mission expectations in a crisis. Failing to do so could result in costly errors, security vulnerabilities, and inability to serve the American people.

The rising costs of maintaining legacy systems also crowds out investments in newer systems that would better serve the American people. In fiscal year (FY) 2019, the federal government spent roughly \$87 billion on IT, and is on track to spend at least that much in FY2020.¹ Notably, \$29 billion, or roughly one-third of total IT spending, was dedicated to maintaining legacy systems.² As the amounts spent to operate and maintain existing systems increase each year, government-wide investment in major IT projects is declining.³

For example, according to the IT Dashboard, the Office of Personnel Management (OPM) is on track to spend \$147 million on IT in FY2020.³ It will spend one-third of that amount maintaining "System 8," which the Government Accountability Office (GAO) identified as 34-year-old hardware, software, and service components that support mission-critical IT applications and services.⁴ Despite its 2015 data breach, OPM still operates this legacy system at an annual cost of \$45 million, with an additional \$6 million in labor costs. The agency estimates that modernization would cost \$10 million and said it could potentially avoid \$16 million in costs.

¹ See ITDashboard.gov, *IT Spending FY 2011–2021 Government-Wide* (last visited Apr. 17, 2020), <https://itdashboard.gov/drupal/>. This site does not include classified IT spending or funds from the Technology Modernization Fund in its calculation of government-wide spending.

² This figure is an estimate based on agency reported costs supplied to the Office of Management and Budget that use the Technology Business Management Taxonomy to differentiate between different cost pools. Here, the cost was calculated as a percentage of total IT spending in FY2019 and included cost pools for hardware, software, facilities and power, and other costs.

³ ITDashboard.gov, *Information Technology Agency Summary* (last visited Apr. 17, 2020), <https://itdashboard.gov/drupal/summary/000>.

⁴ GAO, *Modernization Plans* at 15, 53–54.

The use of aging, unsupported, and expensive legacy systems is still common practice despite calls from Congress and the Executive Branch for agencies to modernize IT systems to make them mission-ready, cost-effective and secure. GAO put the management of IT acquisitions and operations on its High-Risk List in 2015 stating that "federal IT investments too frequently fail or incur cost overruns and schedule slippages while contributing little to mission-related outcomes."⁵

In response, Congress passed the Federal Information Technology Acquisition Reform Act (FITARA), which sought to improve the way federal IT is managed, maintained, and modernized in a strategic and cost-effective manner.⁶ In addition, the Act expanded the responsibilities of agency chief information officers (CIOs) and requires their input on IT acquisitions to realize cost-savings and manage IT inventories. However, in June 2019 testimony before Congress, the Government Accountability Office stated:

Until agencies ensure that CIOs are able to review and approval all IT acquisitions, CIOs will continue to have limited visibility and input into their agencies' planned IT expenditures and will not be able to effectively use the increased authority that FITARA's contract approval provision is intended to provide. Further, agencies will likely miss an opportunity to strengthen their CIO's authority and the oversight of acquisitions. As a result, agencies may award IT contracts that are duplicative, wasteful, or poorly conceived.⁷

Five years after the enactment of FITARA, CIOs still struggle to find a seat at the table to help guide agency IT modernization and management. As a result, agencies continue to rely on aging legacy systems for some of their most critical operations. To prevent the proliferation of wasteful spending on legacy IT systems, I request your coordinated response to the following questions and requests for information by August 3, 2020.

1. Does your agency have a comprehensive IT modernization plan?
 - a. If so, please attach it to your response.
 - b. If not, please provide a comprehensive IT modernization plan for your agency.
2. What are the top five modernization priorities for your agency? For each, please provide or describe:
 - a. the modernization plan for the priority;
 - b. the expected cost of modernization and any anticipated cost-savings as a result of modernization;
 - c. the expected completion date of the modernization; and
 - d. the reason(s) for any schedule delays or cost overruns to date.
3. What is the status of the modernization of the legacy system identified by GAO and described in this letter?
4. Please describe your efforts to phase out the use of legacy systems that are physically outdated and do not support current software capabilities, are no longer supported by the vendor or manufacturer, or require specialized employees or contractors to operate and maintain. For example, have you conducted a survey of your IT systems based on use and determined which systems can be eliminated to reduce waste?

⁵ Government Accountability Office, *High-Risk Series: An Update* (GAO-15-290), (Feb. 11, 2015).

⁶ Federal Information Technology Acquisition Reform Act, *National Defense Authorization Act, Fiscal Year 2015*, Pub. L. No. 113-291 § 831 (2014).

⁷ Government Accountability Office, *Information Technology: Implementation of GAO Recommendations Would Strengthen Federal Agencies' Acquisitions, Operations, and Cybersecurity Efforts* (GAO-19-641T), 1, 22 (June 26, 2019).

5. Please describe the coordination between the Office of the Chief Information Officer and the Office of the Chief Financial Officer on IT acquisitions.
 - a. In particular, how has the implementation of FITARA changed the way your agency acquires, maintains, and organizes its IT investments?
 - b. How can your offices' coordination under FITARA be improved to better address IT modernization across the agency, especially for legacy systems?
6. Finally, how can Congress better facilitate or oversee the modernization of government IT systems to achieve greater system reliability, security, and fiscal efficiency?

I appreciate your attention to this important matter, and I look forward to receiving your response.

Sincerely,



Margaret Wood Hassan
Ranking Member
Federal Spending Oversight and
Emergency Management Subcommittee

Congress of the United States
Washington, DC 20515

May 1, 2020

Acting Director Michael J. Rigas
U.S. Office of Personnel Management

Dear Acting Director Rigas,

We write ahead of the upcoming Washington Metropolitan Area Transit Authority (WMATA) Platform Improvement Project and Silver Line Phase 2 extension work, during which all Orange and Silver line stations west of Ballston-MU will be closed and all Silver Line service will be suspended starting Saturday, May 23. The closure of these stations in Northern Virginia will pose significant challenges to the thousands of federal workers who rely on Metro to commute.

Current Office of Personnel Management (OPM) [guidance](#) allows for implementation of telework to the maximum extent possible due to the COVID-19 crisis. We urge OPM to, at the very minimum, provide maximum telework flexibilities for those affected by the upcoming WMATA service interruptions regardless of COVID-19-related developments.

Previously, OPM has issued agency guidance to allow expanded telework and alternative work schedules during WMATA service disruptions. This was done for the SafeTrack program in 2016, ahead of a severe service disruption for lines in Virginia in 2018, and during WMATA's shutdown of six Blue and Yellow line stations in 2019. The spirit of the guidance has been helpful. Delays in publication of the guidance, however, have limited the ability of agencies to deploy telework flexibilities in a timely manner and in a way that could best mitigate commuting disruptions. Last year, OPM issued guidance on May 21 just days before WMATA shut down six stations serving thousands of federal employees despite months of advance notice from WMATA about the planned work.

We urge you to issue timely guidance to maintain the current maximum flexibility in telework options for affected federal employees for the entirety of the Platform Improvement Project and Silver Line Phase 2 extension work.

Thank you for your timely attention to this matter.

Sincerely,



Donald S. Beyer Jr.



Gerald E. Connolly



Jennifer Wexton

RON JOHNSON, WISCONSIN, CHAIRMAN

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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

April 27, 2020

The Honorable Michael Rigas
Acting Director
U.S. Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

Dear Acting Director Rigas:

As members of the Homeland Security and Governmental Affairs Committee, we write to you with concerns and questions about the Office of Personnel Management (OPM)'s response to the coronavirus pandemic. Since March 17, 2020, OPM has refused to provide regular and timely briefings to this Committee regarding its work to support the federal workforce. As the agency charged with providing human capital management leadership across the federal government, OPM is responsible for issuing timely guidance to federal agencies and their employees and to harmonize the implementation of that guidance. This is particularly important now in response to the coronavirus pandemic. As states across the country plan to resume normal operations, it is even more critical for OPM to fulfill this role.

A recent article outlines several concerns regarding the lack of information about the agency's efforts to harmonize telework guidance, protect federal employees on the front lines, and to provide guidance to those workers who may be able to return to their normal duty stations as states begin to resume normal operations.¹ While we certainly understand the need to remain flexible during this dynamic situation, the fast-moving nature of this crisis makes it even more important for the agency to be responsive to congressional requests. We must have a clear idea of what OPM's policies are and how OPM is supporting implementation of those policies across the federal government in order to conduct necessary oversight and fully represent our constituents' needs.

With that in mind, we respectfully ask that you review and respond to the following questions by May 4, 2020. We also request that your agency provide a briefing to Committee staff following your response.

1. While OPM has issued extensive guidance to federal agencies and the federal workforce, it is not clear how the agency is working to harmonize this guidance across agencies, leaving federal employees and contractors without clear information about their access to paid leave and telework.
 - Please clearly outline how OPM is working to harmonize the implementation of this guidance across the federal workforce.

¹ Democrats blast Trump team's handling of federal workers in coronavirus crisis, Politico (April 21, 2020) (<https://www.politico.com/news/2020/04/21/democrats-blast-trump-federal-workers-coronavirus-199026>)

- While OPM and the Office of Management and Budget (OMB) have encouraged agency heads to continue to maximize telework flexibility to all telework-eligible employees that the Centers for Disease Control and Prevention has deemed high risk for contracting the novel coronavirus,² it is not clear how agencies have implemented this guidance. Please clearly outline how OPM is overseeing the implementation of telework, paid leave, and operating guidance across the federal government.
 - Certain agencies employ federal workers through Participating Agency Service Agreements, resulting in employees of one agency supervising employees of another. For these specific situations, what guidance and oversight has OPM provided to the agencies to ensure that telework and paid leave policies are coordinated?
 - How has OPM worked with agencies and contractors to protect the health and safety of federal contractors?
 - Amid the significant increase in the number of employees working remotely, how has OPM worked with agencies to ensure that employees are equipped to work remotely using government issued technologies (e.g., laptops or tablets) rather than personal devices that may not meet security standards?
2. We remain concerned that federal employees on the front lines, such as United States Department of Agriculture Agricultural Inspectors, do not have access to adequate Personal Protective Equipment (PPE) from the federal government. On April 15, 2020, Vice President Pence announced that the U.S. Federal Emergency Management Agency was working to provide facial masks to priority infrastructure employees, including food supply and first responders, specifically 20 million masks before April 20, 2020, and adding 6.5 million each and every week. Vice President Pence guaranteed that all of those that work in food supply all the first responders will have access to masks.³ However, in our individual conversations with the agencies they have reported varying policies and procedures and availability of PPE to frontline workers.
- Please outline OPM's efforts to identify frontline federal workers and ensure that all frontline federal workers are protected on the job.
 - Has OPM been in regular contact with the Vice President's supply chain taskforce, Department of Homeland Security, Department of Health and Human Services, OMB, or other agencies as appropriate to ensure that federal workers have access to the critical supplies, including facial masks needed to protect the workforce?
 - Which agencies are providing PPE to their frontline employees? Which are not, or have directed their employees to secure their own PPE?
 - What additional steps does OPM plan to take to ensure that federal employees across the government have access to PPE?

² U.S. Office of Management and Budget, U.S. Office of Personnel Management, Memorandum M-20-23 Aligning Federal Agency Operations with the National Guidelines for *Opening Up America Again* (<https://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf>) (accessed April 22, 2020)

³ President Trump, White House Coronavirus Task Force April 15 briefing, *WSLS 10* (April 15, 2020) (<https://www.wsls.com/news/2020/04/15/watch-live-president-trump-white-house-coronavirus-task-force-april-15-briefing/>)

3. Our Committee has heard concerns from federal workers regarding the uneven availability of weather and safety leave across agencies for those employees unable to telework.
 - To what extent is OPM monitoring the availability of weather and safety leave across agencies? Please describe information collected as a result of any such monitoring.
 - What steps has OPM taken to harmonize the availability of this leave across the federal government?
 - What guidance has OPM provided regarding the application of emergency paid sick leave provided under the Families First Coronavirus Response Act and how is OPM monitoring the application of this leave?
 - What steps has OPM taken to harmonize the application of this leave across the federal government?
 - How is OPM monitoring the leave made available to federal contractors?

In addition to the inquiries above, in the FY2020 report issued according to the requirements of the Telework Enhancement Act of 2010, we ask that OPM provide specific analysis on how the COVID-19 public health emergency affected telework eligibility, participation, cost-savings, and achievement of mission goals. In addition, we request that the FY2020 report include an assessment of OPM, OMB, and agency telework policies and their implementation throughout the public health emergency, and revised best practices for telework programs during an emergency.

As the Senate committee with jurisdiction over the civilian federal workforce, we have a responsibility to oversee OPM's handling of this situation. We hope that we can expect much greater cooperation from OPM in the coming weeks and months. While we appreciate the voluntary guidance provided to federal agencies, guidance on its own is not enough, and OPM should be closely monitoring and working with agencies to ensure they are taking every possible step to protect the health and safety of their employees.

Thank you for your attention to this matter, we look forward to your response.

Sincerely,

/s/ Gary C. Peters

Gary C. Peters
Ranking Member
Committee on Homeland Security
And Governmental Affairs

/s/ Thomas R. Carper

Thomas R. Carper
United States Senator

The Honorable Michael Rigas
April 27, 2020
Page 4 of 4

/s/ Margaret Wood Hassan

Margaret Wood Hassan
United States Senator

/s/ Kyrsten Sinema

Kyrsten Sinema
United States Senator

/s/ Kamala D. Harris

Kamala D. Harris
United States Senator

/s/ Jacky Rosen

Jacky Rosen
United States Senator

cc: Senator Ron Johnson, Chairman, Committee on Homeland Security and Governmental Affairs

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United States Senate

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CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY S. BAILEY, CHIEF CLERK

April 30, 2020

The Honorable Michael J. Rigas
Acting Deputy Director for Management
Office of Management and Budget
Acting Director
Office of Personnel Management
Washington, D.C. 20503

The Honorable Richard Grenell
Acting Director of National Intelligence
Washington, D.C. 20511

The Honorable Joseph Kernan
Under Secretary of Defense for Intelligence and Security
5000 Defense Pentagon
Washington, D.C. 20301-5000

Dear Acting Director Rigas, Ambassador Grenell, and Under Secretary Kernan:

I write to ask you as the principal members of the Performance Accountability Council to ensure the robustness of the background investigative capacity to support the security clearance process during the current pandemic.

The coronavirus is exposing the potential fragility in our background investigation infrastructure. Departments and agencies have slowed hiring for government employees and contractors, leading to fewer requests of authorized investigative service providers for background investigations. A reduced caseload poses several risks. Background investigator firms may no longer remain financially viable without a sufficient caseload. The reserve in the working capital fund at the Defense Counterintelligence and Security Agency (DCSA), which provides 95 percent of the government's background investigations, may drop below a level necessary to sustain its operations. Finally, a drop in cases now will lead to a surge of investigations once the pandemic recedes, leading to another backlog and unavoidable delays in processing.

In sum, without proper attention to background investigation capacity and the workforce that supports it, we risk recreating the crisis we experienced in 2014 and the years that followed: a spike in the inventory and processing timelines nearly triple the targets established in law.

We must ensure departments, agencies, and their industry partners continue to submit background investigation requests on hired personnel, assess appropriate measures to sustain the background investigative workforce during a slowdown, and preserve or supplement DCSA's working capital fund.

I look forward to working with you on these matters as we continue to implement Trusted Workforce 2.0 to transform our personnel vetting enterprise.

Sincerely,

A handwritten signature in black ink that reads "Mark R. Warner". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mark R. Warner
Vice Chairman

Cc: Mr. William Evanina, Director, National Counterintelligence and Security Center
Mr. William K. Lietzau, Director, Defense Counterintelligence and Security Agency
Ms. Lisa Loss, Suitability/Fitness and Credentialing Executive Agent, Office of
Personnel Management

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

August 12, 2020

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

Dear Acting Director Rigas:

The Subcommittee is concerned about the apparent mishandling of the 2020 Federal Employee Viewpoint Survey (FEVS) by the Office of Personnel Management (OPM). For a second time this year, OPM has abruptly postponed the administration of the FEVS, providing conflicting and contradictory reasoning for the need to do so.

On March 31, 2020, OPM explained that it postponed the 2020 FEVS commencement to July 13, 2020 to support “critical agency missions as well as maximize employee participation in the survey.”¹ Given the essential and urgent role of federal workers in responding to this pandemic, we recognized the justification to delay the FEVS by two months from its planned start — noting the delay would improve the federal government’s ability to understand how the pandemic was affecting employee engagement.

On April 17, 2020, the Subcommittee sent a letter to OPM supporting its decision to delay the government-wide 2020 FEVS to July, citing that, “as Acting Director of OPM and therefore Acting Chair of the Chief Human Capital Officers Council (CHCOC), you have a unique opportunity to collect information on federal agency leadership and management practices during the coronavirus crisis.”²

On May 6, 2020, OPM briefed Subcommittee staff on its continued efforts to administer the survey starting in July and to include additional questions that would examine federal employees’ continued operations of government during the coronavirus pandemic. At this

¹ Memorandum from Michael J. Rigas, Acting Director, Office of Personnel Management, to Heads of Executive Departments and Agencies, 2020 Federal Employee Viewpoint Survey Delay (Mar. 31, 2020) (online at www.chcoc.gov/content/2020-federal-employee-viewpoint-survey-delay).

² Letter from Chairman Gerald E. Connolly, Subcommittee on Government Operations, et al., to Acting Director Michael Rigas, Office of Personnel Management (Apr. 17, 2020) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-04-17.GEC%20to%20Rigas-%20OPM%20re%202020%20FEVS%20FINAL.pdf).

meeting, OPM staff indicated that they were taking all necessary steps to ensure that the survey would be administered in July and that it would not be delayed again.

On July 9, 2020, one business day before the survey was scheduled to be released into the field, you sent a memorandum as Acting Director of OPM and ex officio Acting Chair of the Chief Human Capital Officers Council (CHCOC) indicating that the survey would be postponed, again, until September 14, 2020.³ But this time, you did not provide reasonable notice or evidence-based justification for the delay.

Federal agencies are required by law to conduct an annual survey to assess employee satisfaction and leadership and management practices that contribute to agency performance. OPM is a critical partner for these agencies to ensure they conduct these surveys and collect information in ways that allow the federal government to improve leadership and operations. In addition, OPM is required by law to specify standardized survey questions to allow comparison of leadership and engagement scores across agencies.⁴

It is concerning that OPM would, without reasonable warning or justification, delay the FEVS a second time.⁵ Views of federal employees should never be ignored, especially during a time of crisis, a sentiment OPM officials agreed with at their May 6 briefing with Subcommittee staff.

For these reasons, the Subcommittee requests by August 26, 2020:

1. All documents, emails, and other information referring or relating to the decisions to postpone the 2020 FEVS; and
2. A follow-up briefing on the recent postponement and steps OPM is taking to ensure that it will administer the 2020 FEVS beginning on September 14, 2020.

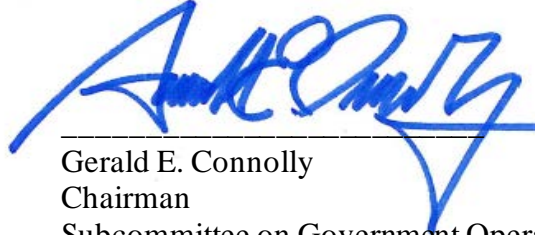
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

³ Memorandum from Michael J. Rigas, Acting Director, Office of Personnel Management, to Heads of Executive Departments and Agencies, 2020 Federal Employee Viewpoint Survey Delay (July 9, 2020) (online at www.chcoc.gov/content/2020-federal-employee-viewpoint-survey-delay-0).

⁴ Pub. L. No. 108-136 (2004).

⁵ Office of Personnel Management, Federal Employee Viewpoint Survey, About Page (online at www.opm.gov/fevs/about/).

Sincerely,

A handwritten signature in blue ink, appearing to read "Gerald E. Connolly", is written over a horizontal line.

Gerald E. Connolly
Chairman
Subcommittee on Government Operations

Enclosure

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

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT,
CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME,
BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC,
TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.

RON JOHNSON, WISCONSIN, CHAIRMAN

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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

July 14, 2020

The Honorable Michael Rigas
Acting Director
U.S. Office of Personnel Management
1900 E St., N.W.
Washington, D.C. 20415

Dear Acting Director Rigas:

I write today to better understand your agency's plans for reopening and returning federal employees to their normal duty stations in the midst of the ongoing COVID-19 pandemic. While the country faces an unprecedented public health crisis and accompanying economic recession, it is more important than ever that the federal government stands ready to serve the American people. It can only do so effectively if agencies protect the health and safety of federal employees and the communities they serve.

The Office of Management and Budget (OMB) released M-20-23, "Aligning Federal Agency Operations with the National Guidelines for *Opening Up America Again*," on April 20, 2020, which provides guidance to federal agencies on resuming normal operations after a period of maximum telework. Agencies are given broad discretion to make reopening decisions based on their specific needs and circumstances. While I agree that such flexibility is necessary, transparency is equally important to ensure that agencies are reopening in accordance with the best public health guidance.

To that end, please provide an answer to the following questions no later than July 24, 2020:

1. Please describe your agency's plan for reopening. Be sure to include, at minimum: (1) which employees will be asked to return to their duty stations and when; (2) whether leave and telework flexibilities will still be available to employees, for how long, and to what extent; (3) any regionalized or localized plans to account for areas that continue to see an increase in COVID-19 cases; (4) any estimates or timelines of when the agency will return all employees to normal duty stations.
2. Has your agency's plan for reopening been made publicly available? If so, please provide the appropriate web address. If not, why? Will it be made publicly available in the near future? Has the plan been distributed or made available to agency employees?
3. Who was responsible for developing your agency's reopening plan?
 - a. If individual offices within the agency are responsible for developing their own plans, how is agency leadership involved in that decision-making process? Who amongst agency leadership is involved?

4. What was the process for drafting and approving the plan? What data and/or guidance was taken into consideration when preparing the plan?
5. Did your agency submit its reopening plan for consultation, review, or approval by OMB? If so, to whom at OMB did the agency submit its plan? When? What was OMB's response?
6. Did your agency submit its reopening plan for consultation, review, or approval by the Centers for Disease Control and Prevention (CDC)? If so, to whom at CDC did the agency submit its plan? When? What was CDC's response?
7. Did your agency submit its reopening plan to any other guidance-issuing or central-management agencies, such as the Department of Homeland Security (DHS) or the General Services Administration (GSA), for consultation, review, or approval? If so, to whom did your agency submit its plan? When? What was the response?
8. To what extent did your agency consult with its bargaining units or national union representatives when developing its reopening plans? Please describe any such communication your agency had.
9. Do any of your agency's current collective bargaining agreements require that the agency participate in post-implementation bargaining? If so, please describe your agency's timeline for engaging in post-implementation bargaining.
10. Has your agency determined that gating criteria have been met for any of the agency's employees? If so, for which employees has the gating criteria been met? What data was used to make this determination?
11. Who has the ultimate responsibility for deciding to open regional or field offices throughout the country? How are local or regional officials being consulted in this process?
12. How are employees classified as "essential" workers? Who makes this determination? Can a position be deemed "essential" after being previously classified as non-essential?
13. How will your agency reopening plans be altered, adjusted or rolled back if there are local spikes in COVID-19 cases or changes in directions from state or local leaders? Who will be responsible for making this decision?
14. Is your agency tracking the number of COVID-19 cases among agency employees? If so, please provide the number of employees affected to date, and whether any specific regions or offices have been particularly affected.
 - a. If your agency is tracking the number of COVID-19 cases among employees, does the agency report these numbers to any other agency, such as OMB, CDC, DHS, OPM, or GSA?

15. What steps have you taken to limit COVID-19 exposure for employees who must interact with the public during the pandemic, either through field visits outside the office or by members of the public visiting agency facilities? Please be sure to include what personal protective equipment (PPE), if any, the agency provides to these employees.
 - a. What requirements are you placing on individuals entering facilities where federal employees work? Are you requiring temperature checks? Masks?
16. How is your agency modifying office spaces to comply with CDC social distancing guidelines? Has your agency consulted with GSA on this matter?
17. How does your agency plan to support employees who need additional leave and telework flexibilities to care for dependents or other family members? How is this policy being communicated to employees?
18. Does your agency require employees to do temperature checks to enter work spaces? Are employees required to wear masks in shared office spaces?
 - a. If employees are required to wear masks in shared office spaces, is your agency providing masks to employees?
19. What protocols are in place for alerting agency employees about possible contact with COVID-19? For example, if an employee shows symptoms of, or tests positive for, COVID-19, does the agency do any contact tracing around that employee?
20. How does your agency procure PPE? How does your agency make decisions about distributing PPE to field offices across the country?

Thank you for your cooperation in this matter. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary C. Peters". The signature is fluid and cursive, with the first name "Gary" being the most prominent part.

Gary C. Peters
Ranking Member

cc: The Honorable Ron Johnson
Chairman

Congress of the United States
Washington, DC 20510

August 3, 2020

Michael Carvajal
Director
Bureau of Prisons
320 1st St NW
Washington, DC 20534

Michael Rigas
Acting Director
U.S. Office of Personnel Management
1900 E Street, NW,
Washington, DC 20415

Dear Director Carvajal and Acting Director Rigas:

We write to support the efforts of the correctional staff at the United States Penitentiary (USP) Thomson to recruit qualified staff to work at the facility. Specifically, we support their request that USP Thomson be included in the Chicago-Naperville, IL-IN-WI GS Locality, which would increase compensation for Thomson employees and help with recruitment. Additionally, we support their request that Thomson correctional officers be provided a 25 percent retention bonus.

As you know, USP Thomson is a high security federal penitentiary with an adjacent minimum-security satellite camp. To manage this population, AUSP Thomson is authorized to employ 611 staff, including 365 custody staff. However, as of June 25, 2020, the prison only has 411 hired employees, including 203 custody staff.

This high number of unstaffed positions has led to many issues at USP Thomson, including significant overtime, use of augmentation, and unstaffed positions. On June 15, 2020, Warden Chris Rivers wrote Thomson employees stating: “Since receiving our first [Special Management Unit] inmates January 23, 2019, the management of our volatile inmate population has been non-stop... many of you have spent 50, 60, and sometimes 70+ hours a week making this happen. In just a short time, you have handled more correctional services issues than most correctional staff across the Bureau deal with in a 20+ year career.”

In the same message, Warden Rivers noted several positions that will not be staffed effective June 16, 2020. Among these positions are Compound Three positions, which monitor inmate recreation and respond to arising situations; Search Team 1-5 AM/PM, who search for weapons and respond to emergencies; and the prisons perimeter patrol team, which is charged with perimeter security.

These inadequate staffing levels, long hours, and unfilled positions led AFGE Local 4070 to write our offices on June 15, 2020, noting: “USP Thomson has a problem with staffing levels,

which are not only a danger to the staff, community and inmate population, but create obstacles for completing the tasks required...more staff are needed across the board, [with a particular focus] on staff within programs and custody.”

As you know, there are several factors that hamper the ability of USP Thomson to fill vacant positions. These include limited housing options, long commutes to the facility, and lack of childcare services. In fact, on May 24, 2019, former USP Thomson Warden Donald Hudson wrote a letter to local communities highlighting the need for additional amenities to bolster recruitment efforts. The letter notes:

Affordable and desirable housing along with good quality schools and day care centers determine where Bureau of Prisons’ staff reside. They need apartments, rental houses, starter homes, and larger homes for their expanding families. Unfortunately, for some, commuting a long distance is necessary, with some staff traveling as far north as Dubuque and south beyond the Quad Cities.

The letter also outlines USP Thomson’s efforts to recruit employees:

Thomson is now offering new Correctional Officers a sign-on bonus of 10% of their salary and after successfully completing one year of service...However, this may not be enough to entice staff to reside in the local community....

Given the low staffing levels, unstaffed positions, and issues with recruitment we strongly support AFGC Local 4070’s request that Thomson staff be provided a 25 percent retention bonus and Chicago-based compensation. There is precedent for providing these bonuses. BOP is currently offering a 25 percent recruitment incentive for individuals who have received firm offers of employment as correctional officers at MDC Brooklyn and MCC New York.

In addition, adding Thomson Prison to the Chicago-Naperville, IL-IN-WI GS Locality will greatly help with recruitment. As you know, the 2020 Locality Pay Adjustment for the Chicago locality is 28.59 percent, which means that GS employees in this area are paid 28.59 percent more than the GS Base Pay Table. Currently, employees at USP Thomson are only receiving a 15.95 percent pay adjustment.

Given the significant differences in pay between USP Thomson and federal prisons in Chicago, it is difficult for the facility in Thomson to maintain their already limited staffing levels, as employees can make significantly more at RRM Chicago and MCC Chicago. These issues are only compounded by the lack of amenities in the Thomson area discussed above. Indeed, USP Thomson staff have told our offices that they cannot compete with the pay being offered by BOP facilities in Chicago, which are a little over two hours away.

It is thus necessary to take additional steps to encourage recruitment and retention of staff at USP Thomson. The local union’s requests for a 25 percent retention bonus and Chicago locality pay

would provide immediate encouragement for qualified individuals to apply to work at USP Thomson, as well as for current staff to remain at the facility. We strongly support these requests and urge you to use these and any other tools necessary to quickly address the ongoing staffing shortages at USP Thomson.

Sincerely,



Cheri Bustos
Member of Congress

/s/ Dick Durbin

Richard J. Durbin
United States Senator

/s/ Dave Loebsack

Dave Loebsack
Member of Congress

/s/ Tammy Duckworth

Tammy Duckworth
United States Senator

United States Senate

WASHINGTON, DC 20510

July 9, 2020

Michael J. Rigas
Acting Director
Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

Russell T. Vought
Acting Director
Office of Management and Budget
725 17th St. NW
Washington, DC 20503

Dear Mr. Rigas and Mr. Vought:

We write to express our opposition to plans to require many federal employees in the National Capital Region to return to their worksites. The current guidance from the Office of Management and Budget (OMB) and the Office of Personnel Management (OPM) is encouraging these unsafe actions, and we urge you to issue new guidance to better protect the federal workforce and surrounding communities from the increasing spread of COVID-19.

As we are seeing around the nation, premature reopenings are leading to new waves of COVID-19 cases. It is especially important for federal agencies to have clear guidance that sets a positive example. As of July 8th, more than 3,000,000 Americans have been infected with the coronavirus and at least 131,700 Americans have died.¹

Federal employees and contractors have been teleworking successfully throughout the COVID-19 public health emergency, keeping vital services running and implementing economic relief programs and measures to stop the spread of COVID-19. Many workers in our area still lack access to regular child care due to COVID-19, and ordering these workers back into the office makes it needlessly harder for them to balance work and family obligations during the pandemic.

The current guidance is encouraging agencies to end maximum telework prematurely.² COVID-19 is a deadly threat to anyone – and anyone can carry the virus and transmit it to others – but the current OPM/OMB guidance only supports sustained maximum telework throughout the pandemic for certain workers deemed to be high risk. Further, the guidance sometimes conflicts with direction from other members of the Trump Administration, the Centers for Disease Control and Prevention, and state and local governments. Reopening too quickly by ending maximum telework threatens to erase the progress made against the virus and endanger the health and safety of federal employees and everyone else in an agency's region through increased community spread.³

In the National Capital Region, many federal agencies are bringing employees back to the office instead of teleworking, even though the reopening guidelines for Maryland, Virginia, and the

¹ "Coronavirus in the U.S.: Latest Map and Case Count." The New York Times, <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.

² Russell T. Vought and Michael J. Rigas. "Aligning Federal Agency Operations with the National Guidelines for Opening Up America Again." April 20, 2020. <https://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-23.pdf>.

³ Zach Montague. "As Coronavirus Cases Rise, the Federal Work Force Heads Back to the Office." The New York Times, July 7, 2020. <https://www.nytimes.com/2020/07/06/us/politics/coronavirus-federal-government.html>.

District of Columbia all urge employers to continue telework as much as possible.⁴ Unlike these federal agencies, governments in Maryland, Virginia, and the District continue to utilize liberal telework policies and limited office capacity for public sector workers.

Prior to the pandemic, 40 percent of Metro commuters during rush hour in the National Capitol Region were federal employees.⁵ Any increased crowding on trains and buses in the National Capital Region will only further increase the risk of spreading COVID-19.

Your current guidance is endangering the health and safety of federal workers and everyone in our region. And since 85 percent of federal employees work outside of our region, it endangers the entire country. We urge you to issue clearer guidance directing agencies to continue maximizing telework throughout the COVID-19 pandemic.

Sincerely,



Chris Van Hollen
United States Senator



Benjamin L. Cardin
United States Senator



Mark R. Warner
United States Senator



Tim Kaine
United States Senator

⁴ The Office of Governor Larry Hogan. "Governor Hogan Announces Beginning of Stage Two of Maryland's COVID-19 Recovery, Safe and Gradual Reopening of Workplaces and Businesses." June 3, 2020.

<https://governor.maryland.gov/2020/06/03/governor-hogan-announces-beginning-of-stage-two-of-marylands-covid-19-recovery-safe-and-gradual-reopening-of-workplaces-and-businesses/>; Commonwealth of Virginia, Office of the Governor. "Safer at Home: Phase Three Guidelines For All Business Sectors."

<https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/Forward-Virginia-Phase-Three-Guidelines.pdf>; and Government of the District of Columbia. "Phase Two Guidance Coronavirus 2019 (COVID-19): Guidance for Office Buildings." June 23, 2020.

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⁵ Faiz Siddiqui. "Metro to Offer Free Rides for Federal Workers Impacted by Shutdown, Pending Board Approval." The Washington Post, January 24, 2019. https://www.washingtonpost.com/local/metro-to-offer-free-rides-for-federal-workers-impacted-by-shutdown-pending-board-approval/2019/01/24/c64325ca-2046-11e9-9145-3f74070bbdb9_story.html.

GERALD E. CONNOLLY
11TH DISTRICT, VIRGINIA
2238 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-1492

FAIRFAX OFFICE:
4115 ANNANDALE ROAD
SUITE 103
ANNANDALE, VA 22003
(703) 256-3071

PRINCE WILLIAM OFFICE:
2241-D TACKETT'S MILL DRIVE
WOODBIDGE, VA 22192
(571) 408-4407

Congress of the United States
House of Representatives
Washington, DC 20515-4611

COMMITTEE ON OVERSIGHT AND REFORM

SUBCOMMITTEES:

CHAIRMAN, GOVERNMENT OPERATIONS
ECONOMIC AND CONSUMER POLICY

COMMITTEE ON FOREIGN AFFAIRS

SUBCOMMITTEES:

MIDDLE EAST, NORTH AFRICA, AND INTERNATIONAL
TERRORISM
ASIA, THE PACIFIC, AND NONPROLIFERATION

July 31, 2020

Office of Personnel Management
1900 E Street, NW, Rm 5H30
Washington, DC 20415
Attn: Congressional Liaison

Re: Jennifer Valentin-Rivera; Schedule A Hiring Authority Participant

Dear Congressional Liaison,

On behalf of the 11th Congressional District of Virginia, I would like to thank you for the service that you provide to our nation.

I write to request information on the efficacy and implementation of the Schedule A Hiring Authority. I have been contacted by a constituent who believes that this program may not be consistently and equitably enforced.

It is my understanding that the Schedule A program is designed to increase employment opportunities throughout the federal government for people with disabilities. This program is an exception to the traditional hiring process, streamlining the process for persons with disabilities and offering reasonable accommodations when possible. However, my constituent who does have a Schedule A certification letter from the Government of Puerto Rico, Vocational Rehabilitation Administration, informs me that she has not received a single offer despite her advanced education and excellent references from interning at the very same agency to which she has applied. In fact, she has applied for a number of positions at the agency, all of which indicate that persons with disabilities are encouraged to apply. I am requesting additional information on this program.

Please provide me with any data that OPM has on the number of individuals interviewed and hired under this program. I also request information on how OPM monitors this program to ensure it is being applied in equitably across all agencies. In addition, please provide me with information on any recourse an applicant may have if he or she believes that the agency is not following guidelines of this program, including the proper handling of requests for reasonable accommodations, in the hiring or interview process.

Thank you in advance for your attention to this matter. I am grateful for any assistance you may be able to provide.

Sincerely,



Gerald E. Connolly
Member of Congress
11th District, Virginia