

**COMMITTEE ON WAYS AND MEANS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515**

November 2, 2020

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

Dear Acting Director Rigas,

We write to you today seeking information regarding the Trump administration's failed efforts to ensure federal employees and their families remain safe amidst the accelerating spread of COVID-19 across the nation. Donald Trump's truly reckless approach to this pandemic has already led to the loss of tens of thousands of American lives and sent our economy into a tailspin. Notwithstanding his repeated lies that America is "turning the corner" with respect to the virus, the recent surge in COVID-19 infections — including at the highest levels of our federal government—underscores the extent to which the administration is carelessly endangering federal employees forced to prematurely return to in person work.

As you know, the Office of Personnel Management (OPM) plays a critical role in providing guidance to federal agencies on a range of workplace issues, including employee safety. With federal employees trying their best to keep themselves and their family members safe during the pandemic, and with many fearful of the next wave coming, OPM must work closely with leaders of the executive branch to ensure that proper public health safety guidelines are followed at the workplace.

Donald Trump and Mike Pence have set the worst possible example for the American people, especially when it comes to following Centers for Disease Control and Prevention (CDC) guidelines that can help prevent the spread of the virus at work. Donald Trump routinely undermines his own public health officials, mocks basic social distancing practices and mask wearing, and held what Dr. Anthony Fauci called a "superspreader event" at the White House in late September when rushing to announce the fraught Supreme Court nomination of Amy Coney Barrett. Predictably, Donald Trump and several of his close cronies became infected with COVID-19. Despite this initial outbreak, the White House failed to implement proper workplace safety practices, even in the midst of the outbreak and following Donald Trump's return from the hospital, and several of Mike Pence's top aides have now tested positive for COVID-19. Rather than have Mike Pence quarantine or take other necessary precautions, this White House first sought to cover up these infections and subsequently mangled CDC guidelines to deem Mike Pence's campaign outings as "essential."

We hope that OPM does not allow other federal agency leaders to follow this reckless pattern and similarly endanger the lives of their employees, families, and communities. While it is imperative for the administration to protect all federal workers, we are particularly concerned about those federal employees at agencies under the jurisdiction of the Committee on Ways and Means (Committee). Specifically, at the Department of the Treasury (Treasury), the Department of Health and Human Services (HHS), the Department of Labor (DOL), and the Office of the U.S. Trade Representative (USTR), agency leaders have already been derelict in their duty to keep their employees safe and set a positive example in the workplace. Among other actions, the Committee was told that HHS retaliated against a whistleblower who revealed that human services staff without proper personal protective equipment (PPE) were ordered to interact with individuals potentially exposed to COVID-19, putting themselves, their families, and everyone else they came into contact with at risk. Treasury Secretary Mnuchin and HHS Secretary Azar defended Donald Trump's decision to almost never wear a mask, even while inside in close quarters with others at the White House. A senior USTR aide told Politico in July that Ambassador Lighthizer was not wearing a mask in the office despite extensive travel, and was pressing career staff to return to prove to the White House that his office was returning to "normal."

The agencies the Committee oversees do vitally important work on behalf of workers, children, families, and seniors, and to the extent in person work is necessary to provide critical services to the public, all efforts must be taken to avoid unnecessary exposure to the virus. As you know, the CDC has issued various guidelines outlining the bare minimum for employers seeking to resume normal or phased business operations. These include strategies and recommendations for daily health checks, conducting workplace hazard assessments and determining PPE needs, encouraging mask wearing, social distancing arrangements, and building ventilation improvements.

Previous guidance issued by OPM and the Office of Management and Budget to federal agencies in April 2020 remains troubling. Agencies that rush to end maximum telework prematurely will likely risk unnecessary exposure to COVID-19 for their employees and enhanced community spread as a result. In their zeal to appease Donald Trump, we are worried that agency leaders will cast aside CDC guidelines and best practices when it comes to asking their employees to return to work under unsafe conditions. The safety of federal employees across the country must remain the singular goal, and they should not serve as pawns to fit Donald Trump's warped political agenda.

Accordingly, we request that you provide responses to the following by no later than November 9, 2020:

1. What actions has OPM taken to ensure that Treasury, HHS, DOL, and USTR are properly following CDC guidelines with respect to employees returning to in person work?
2. Have senior leadership at Treasury, HHS, DOL, or USTR consulted with OPM regarding actions they are currently taking to conform with CDC guidelines and

protect employees returning to in person work? Did such consultations include identifying ways to serve the American public, especially vulnerable children, families, and seniors, in a way that is safe for employees and the public? If yes, please describe such consultations.

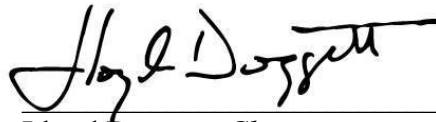
3. Does OPM intend to issue updated guidance to federal agencies in light of the recent surge in COVID-19 infections and the wave of increased infections expected this winter?

Thank you for your prompt attention to this critical matter.

Sincerely,



Bill Pascrell, Jr., *Chairman*
Subcommittee on Oversight
Committee on Ways and Means
U.S. House of Representatives



Lloyd Doggett, *Chairman*
Subcommittee on Health
Committee on Ways and Means
U.S. House of Representatives



Mike Thompson, *Chairman*
Subcommittee on Select Revenue Measures
Committee on Ways and Means
U.S. House of Representatives



Earl Blumenauer, *Chairman*
Subcommittee on Trade
Committee on Ways and Means
U.S. House of Representatives



Danny K. Davis, *Chairman*
Subcommittee on Worker & Family Support
Committee on Ways and Means
U.S. House of Representatives