

**FRONTLINE FEDS:
SERVING THE PUBLIC DURING A PANDEMIC**

HEARING

BEFORE THE
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
OF THE
COMMITTEE ON OVERSIGHT AND
REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

JUNE 25, 2020

Serial No. 116-99

Printed for the use of the Committee on Oversight and Reform



Available on: *govinfo.gov*,
oversight.house.gov or
docs.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE

40-843 PDF

WASHINGTON : 2020

COMMITTEE ON OVERSIGHT AND REFORM

CAROLYN B. MALONEY, New York, *Chairwoman*

| | |
|---|--|
| ELEANOR HOLMES NORTON, District of Columbia | JIM JORDAN, Ohio, <i>Ranking Minority Member</i> |
| WM. LACY CLAY, Missouri | PAUL A. GOSAR, Arizona |
| STEPHEN F. LYNCH, Massachusetts | VIRGINIA FOXX, North Carolina |
| JIM COOPER, Tennessee | THOMAS MASSIE, Kentucky |
| GERALD E. CONNOLLY, Virginia | JODY B. HICE, Georgia |
| RAJA KRISHNAMOORTHY, Illinois | GLENN GROTHMAN, Wisconsin |
| JAMIE RASKIN, Maryland | JAMES COMER, Kentucky |
| HARLEY ROUDA, California | MICHAEL CLOUD, Texas |
| RO KHANNA, California | BOB GIBBS, Ohio |
| KWEISI MFUME, Maryland | CLAY HIGGINS, Louisiana |
| DEBBIE WASSERMAN SCHULTZ, Florida | RALPH NORMAN, South Carolina |
| JOHN P. SARBANES, Maryland | CHIP ROY, Texas |
| PETER WELCH, Vermont | CAROL D. MILLER, West Virginia |
| JACKIE SPEIER, California | MARK E. GREEN, Tennessee |
| ROBIN L. KELLY, Illinois | KELLY ARMSTRONG, North Dakota |
| MARK DESAULNIER, California | W. GREGORY STEUBE, Florida |
| BRENDA L. LAWRENCE, Michigan | FRED KELLER, Pennsylvania |
| STACEY E. PLASKETT, Virgin Islands | |
| JIMMY GOMEZ, California | |
| ALEXANDRIA OCASIO-CORTEZ, New York | |
| AYANNA PRESSLEY, Massachusetts | |
| RASHIDA TLAIB, Michigan | |
| KATIE PORTER, California | |

DAVID RAPALLO, *Staff Director*

WENDY GINSBERG, *Subcommittee Staff Director*

AMY STRATTON, *Clerk*

CONTACT NUMBER: 202-225-5051

CHRISTOPHER HIXON, *Minority Staff Director*

SUBCOMMITTEE ON GOVERNMENT OPERATIONS

GERALD E. CONNOLLY, Virginia, *Chairman*

| | |
|---|--|
| ELEANOR HOLMES NORTON, District of Columbia | JODY B. HICE, Georgia <i>Ranking Minority Member</i> |
| JOHN P. SARBANES, Maryland | THOMAS MASSIE, Kentucky |
| JACKIE SPEIER, California | GLENN GROTHMAN, Wisconsin |
| BRENDA L. LAWRENCE, Michigan | JAMES COMER, Kentucky |
| STACEY E. PLASKETT, Virgin Islands | RALPH NORMAN, South Carolina |
| RO KHANNA, California | W. GREGORY STEUBE, Florida |
| STEPHEN F. LYNCH, Massachusetts | |
| JAMIE RASKIN, Maryland | |

C O N T E N T S

| | |
|---|-----------|
| Hearing held on June 25, 2020 | Page 1 |
| WITNESSES | |
| Ms. Jacqueline Simon, National Policy Director, American Federation of Government Employees Oral Statement | 6 |
| Ms. Lorraine Martin, President and Chief Executive Officer, National Safety Council Oral Statement | 8 |
| Mr. J. Christopher Mihm, Managing Director for Strategic Issues, Government Accountability Office Oral Statement | 9 |
| The Honorable Jim DeMint, Chairman, Conservative Partnership Institute Oral Statement | 11 |
| <i>Written opening statements and statements for the witnesses are available on the U.S. House of Representatives Document Repository at: docs.house.gov.</i> | |

INDEX OF DOCUMENTS

Documents entered into the record during this hearing and Questions for the Record (QFR's) are listed below / available at: docs.house.gov.

- * Testimony by Christina Suthammanont, Widow of Essential Worker Chaicharn Suthammanont; submitted by Chairman Connolly.
- * Statements for the Record by Federal Workers Alliance, and the Partnership of Public Service; submitted by Chairman Connolly.
- * Letter of Guidance from OPM and OMB; submitted by Ranking Member Hice.
- * Questions for the Record: to Ms. Lorraine Martin; submitted by Chairman Connolly.
- * Questions for the Record: to J. Christopher Mihm; submitted by Chairman Connolly.
- * Questions for the Record: to Ms. Jacqueline Simon; submitted by Chairman Connolly.

FRONTLINE FEDS: SERVING THE PUBLIC DURING A PANDEMIC

Thursday, June 25, 2020

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
COMMITTEE ON OVERSIGHT AND REFORM
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:02 a.m., via Webex, Hon. Gerald E. Connolly, (chairman of the subcommittee) presiding.

Present: Representatives Connolly, Sarbanes, Speier, Plaskett, Khanna, Raskin, Hice, Massie, Grothman, and Norman.

Mr. CONNOLLY. The subcommittee is convened. We're delighted to have everybody here to talk about the role of Federal employees during the pandemic. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time. And I want to welcome you to our hearing on "Frontline Feds: Serving the Public During a Pandemic."

This hearing will explore the multitude of ways in which Federal employees have provided for our Nation during this critical time. And it will examine what steps leaders need to take to protect the work force, making sure that health and safety are at the forefront of any decision to return those effectively working from home back to Federal offices.

So, I now recognize myself for my opening statement, which is where? Thank you. Sorry.

The need to support and protect the health and safety of the Federal work force has never been more important. Today's hearing about life and death decisions—and I mean life and death decisions—are being made by this administration amid the coronavirus pandemic that has already affected so many millions of our fellow Americans and tragically led to at least 121,000 deaths. And, of course, it affects the 2.5 million Federal public servants and an estimated 3.7 million Federal contractors who comprise our civil service. Our Federal work force is our Nation's great asset. It's a duty to protect the health and safety of those public servants who continue to work throughout the pandemic.

It is a very difficult time for everyone in our Nation and across the globe, but this is also an opportunity to remind our country of how much we rely on the Federal work force every single day. During the coronavirus pandemic, the Federal Government never shut down. In fact, our Federal work force has continued to work throughout the unprecedented time, even ramping up its efforts to

ensure that the public has access to critical services, including new unemployment benefits, small business loans and grants, the financial relief provided directly to the American people by the Congress.

Today's hearing will highlight the important work of Federal employees on the frontlines of this pandemic and also the incredible efforts of those working remotely.

Today's hearing will also focus on what we can do to protect Federal employees while continuing government operations in providing vital resources to the American public. Let me be clear: Today's hearing is not about returning to work. The Federal work force has been working, tirelessly throughout the pandemic. This hearing is about ensuring that Federal agencies have plans and the necessary resources to enable continuity of operations throughout the pandemic. This hearing is about ensuring that thousands of Federal workers who have contracted the coronavirus are respected.

Unfortunately, many of them have succumbed. The Postal Service, for example, has reported 1,606 positive cases, with 60 deaths so far. The Veterans Health Administration reported 1,633 positive cases and 20 deaths. The Bureau of Prisons has reported 1,346 Federal inmates and 172 staff testing positive for COVID-19, 87 of whom inmates have died and one staff member death at least due to COVID-19.

Among the Federal workers who have lost their lives from the virus was my constituent, Chai Suthammanont. Chai was a Federal employee who lost his life after contracting the coronavirus while working as part of the kitchen staff at the Quantico daycare center at the Marine barracks. His widow related that, before the pandemic restricted such interactions, Chai, who was dedicated to his job caring for small children, invented a unique handshake with many children at the daycare, sharing a special greeting with them every day.

My office sent a letter to Quantico asking about the policies in place to maintain a safe work environment. However, it remains unclear how effective the enforcement of those policies, in fact, were. We have to ensure that Federal agencies have smart evidence-based policies in place to protect the workers who are unable to work remotely. Any effort to return Federal and contract employees to the workplace must be done safely and consistent with guidance from public health experts and must ensure that all workers returning to their workplace have the proper protective equipment and ways to communicate their underlying health conditions or other concerns without fear of reprisal or removal. Federal employees are not pawns in a political tug of war. They are not symbols; they are real human beings with families living in the community, and they deserve the respect and dignity that we extend to any American.

In an April letter to the Acting Director of the Office of Management and Budget, who is also concurrently serving as the acting head of the Office of Personnel, this subcommittee noted grave concerns with respect to the administration's reopening guidance. The guidance fails to provide plans for Personal Protective Equipment and testing provisions for Federal employees. It also makes no

mention for what agencies should do in the event coronavirus cases begin to spike again as we're currently witnessing throughout the South and Southwest of our country. It fails to take a leadership role, delegating all responsibilities to the agencies and their administrators without providing support and assistance in terms of how they should reopen. And, of course, what could go wrong with that in terms of something going horribly wrong?

In recent coronavirus stimulus bills, Chairwoman Maloney and I championed several provisions offering protections and resources both to Federal and contract work forces as they continue to deliver services to the public during the pandemic. Checking the millions of those workers who continue to serve every day should not be a partisan issue. This is why, this morning, my colleagues and I introduced two pieces of legislation to support our civil servants.

In remembrance of Chai, my constituent who succumbed to COVID-19 doing his job as a Federal employee at Quantico Marine Base, we introduced legislation to require agencies to publish online coronavirus response plans for their individual workplaces. The bill would increase transparency and accountability and begin to ask employees to return to the Federal office buildings in a safe and protective environment. We also introduced the Federal Workforce Health and Safety During the Pandemic Act, which would, among other things, extend hazard pay and provide childcare reimbursement to those Federal employees work on the front lines.

As our country continues to confront the threat of coronavirus, Congress must do more to protect the Federal work force. The men and women who serve our constituents every day. It's our duty as Congress and as overseers of the Federal Government to make sure any return to office space is done efficiently but safely, for the right reasons. No more lives should be lost because of lack of leadership, competence, and accountability.

With that, I call upon my good friend Mr. Hice for his opening statement.

Mr. HICE. Thank you, Mr. Chairman, and I appreciate your consistent advocating for our Federal employees, and certainly recognize the importance of today's hearing.

If I may take a quick moment before I get to my opening statement, I know you and I talked about this briefly, but just for the record, I just want it to be known that I continue to have grave reservations about these online hearings. Even while we've been here, you have frozen up and we've had to reconnect. It's just—this is no way to do the people's business. The House is in session. We're here voting. I know myself and many of my Republican colleagues are here. We are ready to cast votes. We are ready to participate in real, in-person hearings and discussion.

As you and I discussed earlier, we can have these hearings, particularly subcommittees, in the hearing rooms. We don't need to be skirting our duty to the American people. Yes, these are unprecedented times, I get that, but we have a duty to be here in Washington and to serve the people who elected us.

So, with that, Mr. Chairman, I would just ask you, please, do everything you can to help us get back to working in person. This remote system is far, far from what we need to be doing.

Mr. CONNOLLY. Would my friend yield?

Mr. HICE. I would be happy to.

Mr. CONNOLLY. As my friend knows, I actually agree with him that we ought to be moving toward in-person, real-time, real-life hearings. That is my preference as well. I will work with him to try to make that a reality.

Mr. HICE. Thank you.

Mr. CONNOLLY. As my friend also knows, there's been an upsurge in the infection amongst some of our employees here on Capitol Hill. There is a legitimate concern of what I just said; let's reopen efficiently and safely. And out of respect for the concern of many of our staff, employees have, and some members as well, I decided that today's hearing would continue in the remote mode. But I pledge to my friend: We'll work together to try to make sure we can safely resume hearings in real time, as opposed to virtual time. So, I duly note his concern. I'm not unsympathetic, but my primary concern is that we do it safely, and I know he shares that as well. Thank you.

Mr. HICE. My pleasure. I do share the concern of doing it safely. As you well know, we have other committees that are meeting, subcommittees that are meeting. The Senate is meeting. And I believe we can as well in a safe manner. I thank you very much for your willingness to work to that end. I appreciate that greatly.

As far as the hearing today, with the help of the American people and the cooperation of the American people, we as a Nation successfully flattened the curve as it relates to COVID-19 and our hospital systems were indeed not overwhelmed. Our collective resolve to flatten the curve in that regard has nonetheless paid a tremendous cost to our economy, to people's lives, to people's livelihoods. Now we are in the process of moving toward reopening and restarting our economic system and prosperity for people. And during these trying times, as you mentioned, the Federal Government has remained open, particularly for essential services. They've been there to respond to the crisis. They've been there to serve the American people. And many of these Federal employees have been on the frontline during the coronavirus itself. They've been working each day to try to ensure that our country can continue to run.

There have been other Federal employees who have been working from home, working remotely from different places. They've been balancing their responsibilities to the taxpayers with their responsibilities to serve the American people.

From the very beginning of this crisis, the Trump administration has moved quickly to protect Federal employees from the coronavirus. For example, since February, OMB and the Office of Personnel Management have issued no less than 20 guidance documents to agencies pertaining to ways that they can manage the work force during these unprecedented times. At every point, the Trump administration instructed agencies to provide employees with maximum flexibility—and that's extremely important—maximum flexibility so that they can care for their families while at the same time continuing to work.

In April, the administration issued guidelines for agencies to reopen Federal facilities. Those guidelines were consistent with the same reopening guidelines for the private sector. My Democrat colleagues, many of them have criticized the Trump administration

for rushing to reopen Federal facilities, but the Trump administration developed their guidelines with the CDC, the Centers for Disease Control. They also used the expertise of many within the private sector, many of whom have remained open during the entire economic shutdown.

It's important for us to understand that the administration stresses that each agency must carefully consider their specific mission and the work force when they are planning to reopen and go beyond the remote setup. Absolutely, there is no such thing as a one size fits all as it relates to a reopening plan.

So, while developing a plan to reopen, the agencies have been given guidelines and certain things to consider; among those are things like the location of the facilities. We all know that at least 85 percent of Federal employees work outside of Washington, DC. So, agencies need to consider the state and the location, the conditions that they have in their particular area when it comes to reopening plans. Also, they need to continue to use telework when necessary and when appropriate. That is a viable option. They also need to consider options for high-risk Federal employees. They need to provide sanitation and hygiene supplies and requirements to their offices, and they also need to perhaps modify any office space which does not allow for social distancing. These are just some examples that the administration has given agencies. I think these are very commonsense types of guidelines that have been put up there. So, we need to look at all of these, and we need to consider some of the various ways that we can transition our Federal work force.

But it is time for the Federal Government and Congress, for that matter, to lead by example. We have got to reopen, and we've got to do so in a manner that is safe. The American people need to come back to work, and I believe now is the time for Congress and the Federal Government to lead by example.

With that, Mr. Chairman, I yield back.

Mr. CONNOLLY. I thank my friend.

Now I'd like to introduce our witnesses. Our first witness today is Jacqueline Simon, who is the national policy director of the American Federation of Government Employees.

Are you here?

Ms. SIMON. Yes, I'm here.

Mr. CONNOLLY. We are also joined by Lorraine Martin, who is the president and chief executive officer of the National Safety Council.

Ms. Martin, are you here?

Ms. MARTIN. Yes, chairman.

Mr. CONNOLLY. Thank you.

We will also hear from J. Christopher Mihm, who is the Managing Director for Strategic Issues for the Government Accountability Office.

Are you here Mr. Mihm?

Mr. MIHM. Yes, sir.

Mr. CONNOLLY. And, finally, I know he's here, the Honorable Jim DeMint, former Senator, and former Member of this body, the House. He is with the Conservative Partnership Institute. Mr. DeMint, are you here? Senator DeMint. Excuse me.

Senator DeMint?

Mr. DEMINT. I am here. I was on mute, I apologize, Mr. Chairman.

Mr. CONNOLLY. No problem, no problem. I would ask four of you if you would raise your right hand to be sworn in. It is the custom of our subcommittee.

Please raise your right hands to swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Ms. SIMON. I do.

Ms. MARTIN. I do.

Mr. MIHM. I do.

Mr. DEMINT. I do.

Mr. CONNOLLY. Thank you. Let the record show that all of our witnesses affirmed verbally they do.

Without objection, your written statements will be entered into the record in full.

With that, Ms. Simon, you're recognized for five minutes to summarize your testimony.

Welcome.

STATEMENT OF JACQUELINE SIMON, NATIONAL POLICY DIRECTOR, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Ms. SIMON. Thank you, Chairman Connolly, Ranking Member Hice, and members of the subcommittee. Thanks for the opportunity to testify today.

I want to start by recognizing the amazing work being performed by Federal employees throughout the pandemic period. Eighty percent of DHS employees have continued working at their regular duty stations, and BOP corrections officers continue to work under difficult and dangerous circumstances.

At the VA, our members have continued to provide hands-on patient care and kept the hospitals clean, patients fed, and buildings and equipment maintained. DOD civilians have likewise continued working at their installations throughout the pandemic, providing ongoing support to the Department and the troops.

All have done so at risk to themselves and their families and without adequate PPE. And while no one would dispute that the term "essential employees" describes these workers, they are not the only Federal employees whose essential work has continued throughout the pandemic. Those working remotely have also been heroic in the task of maintaining operations with their agencies. Social Security, HUD, CDC, NIH, the Departments of Labor, Transportation, Agriculture, EPA, OPM, and more have all kept operations going at either the same or a higher level of productivity as before. Their work may be less visible to the public, but it is no less essential and deserves its own recognition.

Three months of data have taught us what it takes to beat the pandemic and provide protection until there is either an effective vaccine or an effective treatment. We need testing, social distancing, and contact tracing so new outbreaks can be identified and contained. A premature end of these measures is a guarantee of resurgence and a guarantee that thousands more will suffer and

die. Every effort should be made to avoid that outcome, not only for Federal employees but throughout the United States and the world.

OMB's reopening guidance didn't address any of this. We responded to them with a letter that hasn't even received the courtesy of a response. We called for testing and acknowledgment that all workers need protection from this virus, not just those whose age or medical status makes them particularly vulnerable. We ask for strict compliance with all OSHA and CDC standards at all Federal workplaces, removal from workplaces of all symptomatic contractors and employees, and full compliance by agencies with all collective bargaining obligations associated with the changes in working conditions in the post-pandemic return to work site.

We ask Congress for additional protections for Federal employees in light of the risk they face with COVID. Most were included in the HEROES Act, including premium pay and automatic presumption of workplace illness—purposes of workers comp, adequate PPE, telework, and emergency OSHA standard, and emergency paid sick leave for those left out of previous bill.

As welcome as the HEROES Act is, there are several additional measures to protect Federal employees that we ask be part of subsequent legislation. These include universal testing, Title V rights for TSOs, a moratorium on the transfer of Federal prisoners during the pandemic, and a requirement that meat-packing plants slow down their line speed so workers and their inspectors can social distance and follow other CDC and OSHA guidelines.

We also urge to you restore constructive, productive labor management communication as agencies implement new policies and procedures. The administration's May 2018 EOs are hurting the government's response to this pandemic. Union reps should be able to discuss the needs and concerns of employees and help agencies by providing ideas and feedback as we all adapt to this new environment and respond to the needs of the public, but we can't because of the EOs. We therefore ask the committee to try to persuade agencies to set aside the antiunion, anti-collective bargaining stance the administration has advocated, even if just to address COVID-19.

One of the many tragedies associated with the pandemic is that, now that we know what is necessary to stop its spread, it's likely that the Federal Government will reopen too soon. As a consequence, instead of stopping the spread of COVID-19, the government itself will contribute to the continuation and possible worsening of the pandemic. At one point, we didn't know if widespread telework would work out, but now there's no excuse. At one point, we didn't have adequate supplies of PPE for those at their regular duty station, but today there's no excuse. There should be no reopening unless and until Federal agencies have the full capacity to test, protect, trace, and inform their work forces, and unless and until genuine objective data on the status of the pandemic shows it has subsided.

And where there is resurgence, we should have reclosing not reopening.

Since so many have been teleworking successfully throughout the pandemic, we inevitably ask, why the rush to return? It is clear in

many locations the rush is motivated by politics, not the health and safety of the work force or the community. Politics should not be a factor in any agency's return to normal operations. Only objective measures of safety should be considered.

Thank you, and I'll be happy to answer any questions you may have.

Mr. CONNOLLY. Thank you, Ms. Simon.

And by the way, I've been admiring the piece of art behind you.

Ms. SIMON. Thanks.

Mr. CONNOLLY. Where is it from?

Ms. SIMON. Haiti.

Mr. CONNOLLY. Beautiful. Thank you.

Our next witness is Lorraine Martin, president and chief executive officer of the National Safety Council.

Ms. Martin, you have five minutes.

STATEMENT OF LORRAINE MARTIN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL SAFETY COUNCIL

Ms. MARTIN. Chairman Connolly, and Ranking Member Hice, and members of the subcommittee, thank you for inviting me to testify on the safety and health of the Federal work force. I commend the subcommittee for focusing on this topic during National Safety Month.

I know firsthand this is a vital conversation for our Nation. Our economic recovery is centered upon workers feeling safe in the work they do and the work environment in which they support their organization's mission.

For the past 35 years of my career, I've served as part of and alongside Federal workers. Early on, I served in the U.S. Air Force and transitioned to working directly with military and civilian work force in my career with a Federal contractor. Now, I'm honored to serve and provide resources to directly support the health and safety of these workers through the National Safety Council.

The men and women throughout the government work force are committed public servants. There is a great care and consideration that should be given to whether a traditional work arrangement is needed now or still required for every job. The last thing we want to see is for Federal work sites to become focal points for the transmission of the coronavirus.

Some job needs and locations are obvious. For example, VA healthcare providers must go to those facilities to tend to patients. Our men and women in uniform have duty assignments to fulfill. And we have tens of thousands of Federal workers in other countries working to support our interests abroad, many of whom must go to a traditional work site.

However, for the workers who serve at a desk with a computer for most of their day and who likely have been working at home in the past weeks, decisionmakers should not rush to require them to report to a traditional office if it isn't necessary. To help employers decide how best to prioritize safety, the council brought together large and small companies, nonprofits, legal experts, public health professionals, medical professionals and government agency representatives to launch SAFER. That's Safe Actions for Employee Returns. The council leveraged our leadership and experience in

workplace safety to bring together the best information from organizations around the world and use that information to develop one-stop play books. These play books provide information and resources and tips for employees on when and how to safely return employees to their traditional work environments, covering topics like physical safety, mental health, employment, and H.R. needs.

SAFER looks at a variety of work settings, such as offices, closed industrial, open industrial, and customer-facing workplaces. And maybe most helpful to answer questions facing leaders today are the quick hits that address topics like notifying staff of confirmed COVID cases, screening and testing of employees, ensuring workplace hygiene and reopening protocols, to list just a few. The links to these samples are included in my full testimony.

As our understanding of coronavirus increases, the council will keep our recommendations current. The council benefits from rich knowledge from our private sector partners, several of which have facilities around the world. These organizations have shared their knowledge and early insights from those experiences. Clearly, testing is a key factor to be addressed.

In March, the council wrote to Vice President Pence with 70 other employer organizations stressing the need for testing of workers. This is the bedrock of keeping employees safe and healthy during this pandemic and should be fully integrated into all plans developed for the Federal work force.

Our country and its citizens have all experienced great trauma because of the coronavirus. Worrying about one's safety and well-being at work should not needlessly be added to this burden.

I appreciate your leadership, Mr. Chairman, in holding this hearing to support the safety and health of the millions of Federal workers. Workers who believe their safety and health is a priority will be the foundation of our economic recovery.

I look forward to answering your questions.

Mr. CONNOLLY. Thank you so much, Ms. Martin.

Our next witness is J. Christopher Mihm, Managing Director of Strategic Issues for GAO, the Government Accountability Office.

Mr. Mihm you're recognized for five minutes.

STATEMENT OF J. CHRISTOPHER MIHM, MANAGING DIRECTOR FOR STRATEGIC ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE

Mr. MIHM. Thank you, Chairman Connolly, and Mr. Hice, and members of the subcommittee. I'm honored to be here today to discuss our work on behalf of the Congress that—and considerations that agencies can have as they bring their employees back to their workplaces.

As you noted, Mr. Chairman, this is not about reopening, this is about reentering because the tens of thousands of dedicated Federal employees have continued to work during the height of the crisis.

My statement discusses three broad areas: Key considerations for Federal agencies as employees reenter the workplace; second, how the Census Bureau was forced to suspend major Census operations and how it resumed those operations; and, third, practices for ensuring telework contributes to continuity of operations and lessons

learned to inform opportunities going forward. We have ongoing work for the Congress in each of these areas. And as part of that, we are reviewing successes and challenges that agencies are experiencing and how they are addressing those challenges.

In the interest of brevity, I will just hit the highlights of the three broad topics in my prepared statement. First, in regard to considerations about reentry to the workplace, we have previously reported on the government's response to and lessons learned from the H1N1 pandemic in 2009. Based on those lessons and informed obviously by more recent events, we identified key issues for agencies to consider as they think about reentry. One of those issues at the agencies is that the agencies should maintain continuous two-way communication with employees and their representatives during the pandemic. In particular, agencies need to be aggressive in seeking out employee concerns and communicating with them about personnel guidance, such as pay options, leave, staffing, and other flexibilities that are available to employees to help them ensure the continuity of the operations and vital mission needs continue to be met. This is obviously the point that Mr. Hice was making about the challenges that employees face in balancing their personal and family responsibilities while at the same time making sure the mission needs are accomplished.

Another consideration is the importance of agencies factoring in component and facility level determinations regarding reentries and not having an across-the-board national determination in their decisions. I would particularly stress that as agencies consider local conditions, they should share information and cooperate with other agencies located in the same geographic area so that we both have a common set of facts that agencies are working on and so that messages are clear to employees across Federal agencies.

My second major point this morning concerns how the Census Bureau suspended major Census field operations and the process it used to resume those operations. The Bureau has a large field infrastructure of 248 area Census offices and tens of thousands of short-term staff to take the Decennial Census. On March 11th, the World Health Organization declared COVID-19 a pandemic. This was just the day before invitations to respond to the 2020 Census arrived in mailboxes across the country and its peak Census operations were set to begin. However, as a result, the Bureau was forced to suspend its field operations.

As of June 11th, gratefully, all Census field operations had resumed. Key aspects to resuming these operations included a phased approach to reopening based on local conditions and local science and data; operational changes to the Census in response to the challenges posed by COVID-19; addressing worker safety concerns, including the PPE and other issues that you've discussed, Mr. Chairman; communicating pandemic plans to ensure continued operations and continuity planning for risk.

My third and final point concerns telework. We've identified several practices that help agencies ensure their telework programs contribute to continuity of operations during COVID-19 and other major emergencies.

These practices are especially important if substantial numbers of employees remain out of their workplaces for an extended period

or if agencies need to revise their reentry decisions based on changing local public health circumstances. Very importantly, in our view, agencies' experiences with telework during the pandemic suggest opportunities for increased availability of telework in the future.

In summary, Mr. Chairman, the evolving and growing challenges for the COVID-19 pandemic present critical work force safety issues for Federal agencies to assess and address as they seek to continue their operations.

I will end it there. Thank you again, Chairman Connolly and Mr. Hice and members of the subcommittee. I look forward to responding to any questions you may have.

Mr. CONNOLLY. Thank you, Mr. Mihm.

And it gives me great pleasure now to recognize our former colleague and former Member of the U.S. Senate, the Honorable Jim DeMint.

Senator DeMint, you're recognized for five minutes.

**STATEMENT OF THE HONORABLE JIM DEMINT, CHAIRMAN,
CONSERVATIVE PARTNERSHIP INSTITUTE**

Mr. DEMINT. Thank you, Mr. Chairman. It is good to be back in the House at least virtually at this point. I want to thank the ranking member, every member of the committee.

And I particularly enjoyed listening to the witnesses today. It is certainly important to listen to all sides of this and the different cautions.

My role today is a little different in that, over the last three months, most of my work has been over the phone. I think I can provide a little bit of an outside perspective from people all over the country in how that might relate to Federal employees and expanding the reopening.

But I appreciate your perspective, Mr. Chairman that the Federal Government employees have been at work. It is just a matter of how we get back to facility-based work in a safe manner.

I have talked to retailers, restaurants, car dealers, theater owners, lots of manufacturers. And I have found that there is a lot of different opinions about what the local, state, and Federal Governments have done right and wrong. But despite all those different opinions, particularly given a lot of new medical data about the virus, there's a strong consensus that we not only should get back to work but do everything we can to safely return to normalcy. I hear that a lot that people just want to go back to their lives.

I mean, while none of us have turned out to be medical experts, and that includes the medical people during this crisis, we have seen, as more data has come in, that real dangers to this virus are for older people with sick conditions; over 80 percent are in nursing facilities. And the risk of serious illness and death to healthy, working age Americans is really low.

That's not without exceptions, Mr. Chairman, that you pointed out. But I think and relatively speaking, healthy Americans can get back to work at this point.

I've also been on the phone—and this relates to Federal employees as part of the Economic Recovery Task Force for the President—with a lot of America's CEOs in charge of some of the largest

companies that we have, with thousands, tens of thousands of employees that are analogous in many ways to the challenges the Federal Government has with offices in almost every state. The configuration of offices being very different and the roles of the employees being very different. But it's clear from being on the phone with these CEOs that they have developed a lot of very detailed best practices on how to return to work safely. A lot of these ideas apply I think to the Federal work force. But even then, the CEOs are very concerned about the health of their employees, and they are working closely in many cases with the unions. There's a lot of agreement on what needs to be done and how it needs to be done. But the key here, Mr. Chairman, if I could just share this, it is very important at this point, not only for Americans outside the Federal Government, but to allow Federal Government employees as much as possible to return to normalcy. And it's very important that the Federal Government, Congress itself, set an example that we need to get back to normalcy. We need to open things back up and we need to show as Federal employees how this can be done in a reasonable and safe way.

One point we hear from the CEOs a lot, given the difference in different parts of the country, is the need to be flexible. A one size fits all, whether it is coming from a corporate office or the Federal Government, is likely to do more harm than good in many cases. So, we certainly need to have general guidelines. We need to follow the safety guidelines that we know. But the Federal Government needs to set the example that we need to get back to full work now, and they need to set an example of how it can be done.

My last point, Mr. Chairman, and I think you or the ranking member have already mentioned this: millions and millions of American jobs are dependent on Federal contracting. And I've heard, as I've called around the country, so many say that their businesses have been slowed down or even shut down because Federal contracting has been delayed or suspended indefinitely. So, we have a supply chain that goes back to some of these large companies that involve many, many small companies all over the country. We need to—I think the first step here is, regardless of whether we are working at home or in offices, is to get Federal contracting back to full speed because that will open up I think millions of jobs across the country.

Thank you, Mr. Chairman, and I believe I've used my time. I will yield back.

Mr. CONNOLLY. Thank you very much, Senator. We appreciate you being here.

I will begin with my line of questioning. As I said earlier, the administration's guidance for reentering the Federal office space, frankly, concerns me. It hardly qualifies as guidance. It is incomplete, unclear, fails to prioritize health and safety for Federal workers. In fact, it is so confusing that agency leaders don't know where to turn for data and evidence to determine whether their reopening is safe. Federal workers have no idea what's happening. There's no mention of PPE, testing, or even any thought of contingency plans if the virus should resurge.

The office reentry strategy represents the same old lack of leadership and clarity that's been consistent throughout this pandemic. I don't think that's asking for too much.

Here's IBM's plan. It's an office reentry plan, which, on page seven, includes plans for PPE. It provides a readiness checklist for the site leaders that's four pages long.

Amazon is building diagnostic labs where it will test each of its workers for coronavirus every two weeks. And if an employee tests positive, they immediately provide telehealth services.

The Lear Corporation, a fortune 500 company that manufactures auto seating and electrical systems, created an online interactive safe work playbook that includes the creation of a pandemic response team, including assigning individuals to focus on virus prevention and PPE availability. The playbook, which they have made downloadable to anybody, incorporates employee training in their return-to-work plan, creates position specific to communicating that plan with employees, and, woe is me, they even thought through engaging their unions. What a thought.

So, let me ask, Ms. Simon, do we have something like that that has been communicated to you and your Federal employees?

Ms. SIMON. Absolutely not. As you alluded to earlier, it's a complete patchwork. There's not only inconsistency among the agencies, but inconsistency from location to location. One exception, which always seems to be the exception, is TSA that has unilaterally decided that any of its transportation security officers who are in the CDC high-risk category are no longer going to be eligible for weather and safety leave. They are absolutely on their own. They can either use sick leave or annual leave or come to work. This is being done not on a regional basis, as OMB suggested, but across the board nationally. And you cited the numbers of infections of transportation security officers. There is certainly—we had a huge fight with them to get them to even permit officers to wear face masks, let alone to have the face masks or any other PPE provided by the employer.

Mr. CONNOLLY. Ms. Simon, if I may because I'm going to run out of time. Surely, given the fact that you represent so many Federal employees, you and your leadership, your colleagues have been consulted by OPM in terms of what kind of guidance ought to be issued and is being issued to safely reenter?

Ms. SIMON. I wish I could say yes, but the answer is absolutely not. Not only have we not received any response to our communication with the Acting Directors of OPM and OMB, but OPM seems to be cut out of the process entirely as part of the administration's effort to pretend that they succeeded in their plan to abolish OPM.

Mr. CONNOLLY. Ms. Martin, Senator DeMint says let's use the Federal Government as an exemplar for how to reopen. Let's reopen and set a model. Meanwhile, the virus is resurging throughout the South and Southwest of the United States. Florida, Texas, Arizona are having the highest rates of infection recorded every single day in the last week or two. And, unfortunately, we believe mortality will follow. Is it safe to make the Federal Government in those parts of the United States a model for reopening and get back to work and let's do it like normal?

Ms. MARTIN. I do think this is a place where the Federal Government can set the example, but the example that I would like to see be set is that we are following all the guidance from the health organizations, from some of the companies, like you have just referenced, the Amazons, the IBMs, who have facilities around the world, and have very detailed playbooks on how to bring their folks back to work and when to bring them back. And when is really important. That has to be advised by the location, the country or, in this case, a state and what's happening locally, and how you can look at the metrics there and make the right decisions. All risk assessments for businesses that I've seen, and I've seen hundreds of the playbooks like the ones that you held up, and they all have criteria associated with how the disease is progressing and what would be affecting their work force. They make decisions based on that for their employees with safety first and then operations second.

Mr. CONNOLLY. And my final question goes to Mr. Mihm.

Mr. Mihm, I held up the IBM plan. Do you believe that we have something comparable and detailed that is a workable plan issued by OPM or OMB in the Federal workplace?

Mr. MIHM. We have not seen one, Mr. Chairman.

In fact, the work that we are doing on behalf of the committee is to go to Federal agencies and ask them for their playbooks, and look at both—check first the existence of those and then to do an analysis across various agencies to see what the commonalities are and to see if there are differences. And if those differences exist, are they thoughtful and considered differences, or are they just a factor that they were done by different organizations at different points in time?

Our concern, and I mentioned this in my statement, is that when you look at the local levels where this reentry will take place with the 80 percent of the Federal employees outside of the Washington area, when you look the at these local levels, we need to make sure that the Federal agencies there are sharing information, sharing science, working off of a common set of understandings so that the employees are getting—across the Federal Government are getting a consistent message.

Mr. CONNOLLY. So, Mr. Mihm, final point, Mr. DeMint takes, you know, takes a position that, look, there might be risk, but we have got to set a model; we have got to reopen and return kind of to normal. But would you agree that, in order to do that, there has to be a plan that in which the 2.5 million Federal employees and 3.5 million Federal contract employees have confidence?

Mr. MIHM. Absolutely, sir. I mean, nobody wants to be in a sense shut down. It means it has big economic consequences, as we all know. But we have to also have confidence and the employees have to have confidence that, as we reopen, that they will be safe in the workplaces, they will be safe in their interactions with the public. And the public needs to have confidence that they will be safe in their interactions with government. So, that's the importance of the planning that we've been discussing.

Mr. CONNOLLY. I thank you.

My time is up.

The chair recognizes the gentleman from Georgia, Mr. Hice for five minutes.

Mr. HICE. Thank you, Mr. Chairman.

I would ask permission to submit for the record the guidance that has been released from OMB and OPM and others. If you would allow, that I would appreciate it.

Mr. CONNOLLY. I absolutely would. Without objection.

Mr. CONNOLLY. And it is before your time starts—I would ask for similar consideration. I have a number of statements for the record from the Federal Workers Alliance, for the Partnership of Public Service, among others. I would just ask that their written statements be entered as well, without objection.

Mr. CONNOLLY. Mr. Hice, you're recognized for—I think I may have gone over so, Mr. Hice, go for six.

Mr. HICE. Thank you very much, Mr. Chairman.

Ms. SIMON, I would like to start with you just by really a question of curiosity. Federal employee union members who are operating on official time 100 percent of their time who exclusively are working for the union, have they continued working remotely for the unions during this period of time?

Ms. SIMON. Part of an agency or component of an agency that has telework for its work force and the work force we represent, then they are also working remotely. In cases where they are representing employees who are at their regular work site, for example, in the prisons, in the VA hospitals, in DOD installations, they are right there with the members that they represent.

Mr. HICE. So, am I taking this as a yes answer, that they are continuing to work?

Ms. SIMON. Well, they are certainly continuing to perform the function. Yes, they are continuing to work, absolutely, yes.

Mr. HICE. For the union. OK.

Ms. SIMON. No. They are working for the government in their capacity as union representatives. I'm sorry.

Mr. HICE. OK. It's—

Senator DeMint, I want to come over to you. It is easy for us to say at times like this that politics doesn't need to get involved. I totally 100 percent agree with Ms. Simon on that. We don't need politics involved when we're dealing with pandemics and circumstances that we're dealing with in the country. Unfortunately, her implied answer to that is that politics is involved when we're trying to reopen or reenter, and I see it frankly just the opposite. It's easy to talk about closing the economy when you're with the Federal Government and you continue getting paid all the time. But individuals who have lost their jobs, who are not getting paid, it is not a political thing to tell them to stay closed. I mean, it's not a political thing, I mean, to tell them that they shouldn't go back to work.

The American people are creative. They are innovative. They are smart enough to work and be safe at the same time. I think frankly that's the direction we need to go. So, Senator, I'd like to just kind of utilize the private sector, if I can, because they are the ones that are really leading the way in reopening. Federal Government for the most part—although, Federal Government is doing some good things with the telework. I get that; that's good. But as far as reen-

tering the economy the way it needs to go, the private sector is leading the way. And, of course, Georgia has started that and are doing quite well with it. But the American people helped slow down the virus, helped prevent the hospitals from being overwhelmed. The American people came together to stop the spread of this thing. Why is it so critical for us now to reopen, Senator?

Mr. DEMINT. Well, we cannot continue with an idle Nation in a sense that we certainly haven't been totally idle, but the millions of people out of work tell us that we need to get back to work, and the Federal Government is a big component of that. There's a little bit of disconnect of what I've heard today because I know I've seen very detailed guidelines issued by the administration of how to return the Federal workers safely. I also know, whether it is IBM or some of these other larger companies, the best practices for safety are being shared, not only between the companies but with our Federal Government. So we know how to do this right.

But I've heard this probably more times than I could ever remember, that folks older than me, even folks with conditions as, hey, we cannot remove the risk of going to work or going back to life. It's time to take our chances and go back to normal. We cannot keep our country shut down. It's affecting people emotionally, as well as financially. We're closing businesses down which will never reopen. It could take decades to rebuild some components of our economy.

The Federal Government needs to set an example. They need to set an example on how to do it right, but how to do it now. And as I mentioned before, we need to reopen all the contracting that's available because that will immediately affect millions of jobs.

Mr. HICE. Whether we are dealing with the private sector or the Federal Government, how important is the whole issue of schools reopening? As long as schools are closed, it seems to me like we can't really get back to normal. And, of course, that's the lowest risk group that we have.

Mr. DEMINT. Congressman, that's my point, is they are the lowest risk group. If school is not full speed in the fall, a lot of folks will have to deal with childcare they otherwise wouldn't. And if we can't accept that—I mean, these kids are not at risk from this virus. They need to be back in school. It's a big part of showing America is back to normalcy. So, I would see that as a key signal that the Federal Government needs to send to the states and to Americans that the expectation is, is that we will be back in school full time in the fall.

Mr. HICE. Thank you. I see my time has expired. I think, Mr. Chairman, some of that time went when I was asking for unanimous consent. But I will just have one more final question for the Senator.

Mr. CONNOLLY. No problem. No problem, Mr. Hice.

Mr. HICE. Thank you, Mr. Chairman.

No question we are seeing a rise in cases again, but we are also seeing fewer people in the hospitals. Our hospitals are still not being overwhelmed. We are seeing fewer deaths at this point. We are learning how to handle this virus more effectively right now, even without an official vaccine. But even with the rise in cases, do you believe that that should bring about another shut down?

Mr. DEMINT. Absolutely not. We cannot shut the government down, regardless of what happens here. I mean, we do not have the capacity as a Nation to do this. But what we're seeing, though—and part of this is good is that the rate of increase is coming from states like South Carolina from a very low base, and a lot of it comes from more people being tested. As you indicated, all the data is indicating that the death rate has gone down. There is plenty of hospital capacity to deal with this. We have got better treatments for the disease. So, I mean, we are ready for infections. But I will just leave with this one thing, they tested the Clemson Football Team just to see if anyone had it. Twenty-three players had it, but hardly any of them knew that they were even sick at all. So, it's—the infection rate is apparently going to run its course around the country. And hopefully we'll be at a vaccine very soon. And folks who are sick and older need to take care. We need to make sure that the Federal workers with conditions can have all the flexibility they need. But those who are healthy and under 60, we need to get back to normal.

Mr. HICE. Well, thank you. And I'm glad the Clemson Football Team is healthy. Time to get back to football

[inaudible].

With that, I yield back.

Mr. DEMINT. Yes. You might win if they are sick, Jody.

Mr. CONNOLLY. Thank you very much.

The chair would note that public polling shows the substantial majority of the American people believe that, even at the cost of the economy, we should put the priority on health and safety before we return to, quote, normalcy, unquote.

Is the gentlewoman from California on the line? She is next. Ms. Speier.

If not, the chair recognizes the gentleman from Maryland, Mr. Sarbanes, for five minutes.

Mr. SARBANES. Thank you very much, Mr. Chairman. Can you hear me? Can you hear me?

Mr. CONNOLLY. Yes, we can hear you, John.

Mr. SARBANES. Thanks very much, Chairman Connolly. I appreciate the hearing today, and it is a very important topic.

As you know, because you've been a great ally and a leader on it, telework is a very critical resource and option and opportunity for our Federal workers. I want to thank you for all your help as we pulled together the Telework Enhancement Act of 2010 and your leadership since then in making sure that our Federal agencies are taking full advantage of what telework can offer. Obviously, in this moment, we're seeing the full use of telework. There are agencies that have embraced it for many years and I think

[inaudible], but there are others, including our own staffs, now here in the Federal Government are becoming much skilled in telework and frankly seeing the productivity that can result from utilizing that option.

I know that AFGE has commended the success of telework during this pandemic in terms of Federal Government's use of that option. Agencies like the Veterans Benefits Administration have actually been processing claims at a higher rate during this time period than is typical so I think that shows the telework option.

Mr. Mihm, can you describe some of the benefits that you've seen the utilization of the telework option [inaudible]?

Mr. MIHM. Certainly, Mr. Sarbanes, there is. In fact, this is so important an issue to us that we have two new reviews that are just starting out, one looking at the technological aspects of telework and whether or not there is support of that in terms of a bandwidth, and one looking more broadly about policies and procedures on that.

It is very clear to us—and when I say “us,” I’m also talking internally to GAO—the advantages of having a telework-ready environment in the use of telework. We, like many other agencies, went to complete telework at the beginning of the pandemic. And it’s been completely seamless to us from a technological and operational standpoint, the bandwidth of our technology has worked well. We continue to issue reports in the normal timeframes. The Comptroller General will be testifying tomorrow in front of the Congress on our first 90-day report that was required under the CARES Act, and that is obviously a substantial body of work that he will be informing the Congress on what we found and the recommendations associated with that. So, from an operation technological standpoint, it certainly has been normal, and if anything, it has gotten a little bit better.

The challenge that we all see—and it gets back to what the ranking member was mentioning in his opening statement—is some of the in the interpersonal issues associated with the stresses that people are feeling during the current moment in having to care for family members, small children, worries about employment for spouses and loved ones. That obviously is a big issue, but that’s not a telework issue per se, and we are working through those as many other agencies. So, the bottom line is it’s a huge advantage even during normal times and especially now.

Mr. SARBANES. Thank you very much for that answer.

Ms. Martin, let me ask you this question. As we begin to reopen some workplaces and carefully examine the opportunity to get back into a traditional workspace, I assume it is going to make sense to look at how to combine telework with traditional work environments, because if you

[inaudible] offload a certain part of the work force

[inaudible] to the

[inaudible] opportunity, then you have less people coming back into the traditional workspace, more opportunity for distancing and precautions to be put in place. Could you speak for just a moment on what you see that kind of combination response as we move forward and begin to do some of the reopening of these traditional workplaces?

Ms. MARTIN. Yes, certainly.

And thank you for that question, Congressman. Most organizations are, like I said, seem to have sort of that hybrid situation for some time and, in some cases, maybe forever. Many businesses were already looking at what they called the future of work and understanding how to tap, you know, the richest set of intellectual humans around the world and to be able to do that perhaps not at a physical location.

So, this was a trend that a lot of folks were already looking at how to do and do this well: to have locations where you could get together and have headquarters and other kinds of operations, but also to make sure that you could connect-in employees remotely.

This has certainly enabled us to test that in some very important ways for technology, as you mentioned, for making sure that we can communicate well with employees even if they're not physically with us, and making sure that we're addressing the mental health side of that as well. We talked a little bit about the stress today from the coronavirus, but our work forces go through stress on all kinds of things, and it's always important for employers to be focused on mental health regardless of where they are.

So, that's one of the reasons that our [inaudible] NSC.org SAFER also has a lot of mental health related

[inaudible]. This is here to say. I will tell you from all the businesses I've talked to from my own organization, we went to both telework, except for three employees as part of our warehouse, and it's worked very well.

These are jobs that we thought could not be remote, and they are now, and they've done really well. Our productivity in some areas has exceeded what it was when we were in the building. So, this is here to stay. I think we can get a lot of best practices for this. It will be a hybrid situation for most companies, at least for the next, I would say, months, maybe years as we look to phase the work force, as we repack certain subsets, and make sure that our buildings, if we do need to use them, have the kind of physical separation that's going to be required for safety.

Mr. SARBANES. Thank you.

Mr. CONNOLLY. Thank you.

Mr. SARBANES. Thank you very much.

I yield back.

Mr. CONNOLLY. Thank you, Mr. Sarbanes. And thank you for your leadership in telework. It was prescient and we need more of it. It clearly forms the basis for any continuity of operations plan we can have.

The chair now recognizes the gentleman from Wisconsin, Mr. Grothman, for five minutes.

Mr. GROTHMAN. Can you hear me?

Mr. CONNOLLY. Yes, we can hear you fine, Steve.

Mr. GROTHMAN. OK. Thank you. Got a couple questions here for Mr. DeMint.

There's been a lot of focus on people who, in essence, been laid off or haven't had jobs during the COVID. But still, at least in my district, the vast majority of people still work, be it hospitals. We have a lot of food processing, big factories with hundreds of people still working. Some retail remains open.

What is the justification—if someone else wants to jump in as well that's ok. Federal workers are important. In Wisconsin, we aren't getting our tax refunds or not getting tax refunds like we should because they're processed by an IRS center in Fresno, which is apparently still closed.

With so many private-sector employers open and, quite frankly, a lot of the people who are still not working because of high unem-

ployment benefits, what is the hypothetical rational for saying the Federal work force cannot open with the private sector?

What do I tell people back home who are working when they didn't get their tax refund for months because Fresno IRS is closed while they've been working throughout this whole thing?

Mr. DEMINT. Thank you, Congressman.

Certainly, the Federal Government needs to be an example everywhere we can. As I mentioned before, folks are getting back to work in a large part of the country. Things are opening up. Restaurants are going back to dining indoors, and they're taking new precautions. So, I think it's a bad thing for our Federal employees, who serve the public, to be following what we're doing in the private sector.

We need to set an example of folks who are back to work serving the people, but as has been said in many ways today, we can do that safely, particularly for younger workers, but we cannot add this regimen of all these things that have to be done before someone can come back to work. And we've got to make it so it's a reasonable, safe situation, but the Federal Government needs to set an example.

And I know that the economic task force of the President is working closely with a lot of businesses who have established best practices. They're also working with unions around the country. I've been on the phone with a number of them, with the President. So, they're not being left out of this process. So, the Federal Government needs to work.

Mr. GROTHMAN. Thanks so much. I know I'm supposed to ask you questions, but we'll ask Chris a question anyway since this is bipartisan.

Chris, could you tell me what should I tell the people in my district who have been working throughout this whole thing if they can't get their tax refunds because the Feds have closed in Fresno, Chris, what should I tell them? Why do we have this different standard? Why are they at work throughout this whole thing, but for some reason, the Feds can't open?

Mr. MIHM. Sir, I guess there's a couple of things, is that, one, the conditions in Fresno may be a little bit different than what they are—and I'm using that conditionally because I don't know the situation in your district in Wisconsin. The conditions may be different on the ground in a very localized sense.

I think, though, that the larger point of making sure that the Federal Government is able to reopen is that many Federal employees I think you can tell them have been working, and that's the telework discussion that we've still had. Many others are opening back up or reentering as local conditions allow on that, but we still need to make sure, just like the private sector should make sure, that there's safety for the employees as they're returning.

Mr. GROTHMAN. Yes. Right now, everybody's open. Retail is open. Restaurants are open. Many even for dining. They stayed open for, you know, just takeout before. I really right offhand almost can't think of anything in my district that's not open. And, you know, we've had a mild reduction in hospitalizations even with the reopening.

As you know, nationwide we have reduction in deaths even with reopenings. And last couple days not as good, but I think there were about 13 days of under a thousand deaths or something, which is I think the first time since March that we've been there. I just—maybe you can give me a reason why they can't get it done on a Federal level where they are getting it done in the private sector across the board in so many factories?

Man, the parking lots are packed at third shift. They've been packed all the way through, you know. I don't know what to tell these folks, and it just kind of looks bad. We maybe have time for one more question. Maybe Lorraine can tell me, what is the deal here? Why is my district all opening up and we have a reduction in hospitalizations of COVID at the same time and, you know, a lot of the Federal agencies aren't? What is the difference here?

Ms. MARTIN. Yes. So, for any business, the first thing you need to do is look at your risk profile, and we have tools, so do others, that can help you understand how are you putting your employees and the public you interact with at risk and make sure you take whatever the recommended guidance is for that.

For a lot of businesses, even the ones with factories, while the factories are running, they've re-designed their work—

Mr. GROTHMAN. They're doing it. That's the point I'm trying to make.

Ms. MARTIN. And their office workers, wherever possible, are still home. I've talked to many of them very recently; where they can, people who are at a desk with a computer, they are not adding extra risk to them. They're working from home. And, yes, they're factory workers whether they're building airplanes or cars, they're in the factory with redesigning processes and appropriate PPE.

Mr. CONNOLLY. Thank you very much.

Mr. GROTHMAN. OK. Thank you very much.

Mr. CONNOLLY. Thank you, Glenn. Thank you.

And I will note for the record that the Department of Health and Human Services has reported that 22 counties in Wisconsin have recently reported spikes in the rate of infection. So, even in Wisconsin, unfortunately, we don't have this under control.

The chair also wants to recognize, I believe, the presence of our chairwoman, Carolyn Maloney. I don't know if you're still with us, Ms. Maloney, but we're more than happy to recognize you if you wish to have a statement. Otherwise, the chair is happy to recognize for her five minutes, the gentlewoman from the Virgin Islands, Congresswoman Plaskett.

Ms. PLASKETT. Good morning, and thank you all for being here for this important hearing. Thank you so much, Mr. Chairman, for making this available for us.

It's been reported that the Department of Veterans Affairs' hospitals have pushed to reopen facilities without fully communicating adequate plans to its workers. NSC has published various resources to aid in creating safe work environments during the coronavirus pandemic.

Ms. Martin, are there any specific resources from your SAFER task force that you think Federal agencies should use to guide their response plans?

Ms. MARTIN. Thank you, Congresswoman, for asking. The first thing that I would do is make sure you understand your operation and the risk profile. So, we have produced an online free tool to anyone that is informed by all of the kind of best practices from industry that had been referenced here, and it enables you to assess your vulnerability based on your work environment and then provide you guidelines up to about 300 recommendations of the precautions and risk mitigators that you need to take.

That helps you assess whether you've taken them or not or where your action plan still is. So, for every work environment, and they're all a little different, you need to make sure you understand your specific risk and got a tailored remediation plan for your operation.

Ms. PLASKETT. So, Ms. Martin, again, in March, you sent nearly all of your workers for about 25—250 employees who reported to a physical building in Chicago home, and you continue to allow them to work from home. Can you give us the key drivers in the decision to send them home, and what would be the key drivers to evaluate and bring them back to the physical location?

Ms. MARTIN. Yes, thank you. So, I have a safety expert who reports directly to me for my organization and she got together with me very quickly and formed a task force. And we looked at our risk for our employees. And understanding the locations they operated in, not only Illinois, but New York and D.C., as well, we assessed that they would be safer working remotely, as many companies have.

Then we had to put together the right procedures and policies, technology, communications in place to make that happen, and we did. As I mentioned before, we didn't think that all of our operations could be done remotely. We've proved ourselves wrong. They have been done remotely and done well. All of our SAFER work that we're referencing here for the best practices for employee safety was done with our employees in their homes; no one in any of our office spaces. And it's some of the most timely and quick response we've had to a safety emergency in our Nation in our 100 years of an existence. So—

Ms. PLASKETT. What were some of those—can you give me an example of something that you thought would not be able to work well from home and that you've been surprised at?

Ms. MARTIN. We have several call centers that respond to folks that get tickets because we do a lot of the training, and we thought our call centers needed to be together. They had certain technology that enabled them to do their work. They all were able to pack up. We got a little bit of extra equipment, and they went home, and we haven't missed a beat.

Ms. PLASKETT. I think one of the things that you said that's really important is communication. And one of the concerns that I have with regard to the administration is the Federal guidance for reopening is unclear.

It's not adequate, and that puts decisions at lower level managers to make the decisions about opening and closing. Thank you so much, Ms. Martin.

Mr. Mihm, are agencies clearly communicating their coronavirus policy to staff, and then making them aware of their options?

Mr. MIHM. That's one of the things, ma'am, that we're looking at on behalf of the Congress. We've just started work looking at this communication, but to take the thesis behind your point. That communication is absolutely vital, and it's not just communication outward, pushing messages out; it's also listening to employees.

It has to be two-way communication to understand their concerns so that the policies can be adjusted as appropriate to respond to those concerns. And it has to be ongoing. Not just as the threat is evolving, but that people's anxiety levels will ebb and flow, people's needs will ebb and flow. So, this communication and effective communication is right at the center of any successful response plan.

Ms. PLASKETT. Mr. Mihm, you talked about hearing from employees. What type of actions should agencies be taking to ensure they're hearing from and engaging the needs and concerns of their employees, whether it's childcare, anxiety, the things that you were talking about?

Mr. MIHM. I think one of the things that agencies need to do is to make sure that they have multimode availability of communications. That includes, just using the GAO as an example, I mean, we have townhall meetings that were first every week, now every couple weeks, that are held by the Comptroller General and the executive team. There's opportunities for staff to ask questions as part of that. There's larger team meetings. There's notices that go out over the internal email system.

The point to this, ma'am, is that people don't take information by only one source. They process it in different ways, and so we need to meet them where they are rather than where we think they should be. You need to reinforce messages and speak several times because, again, people's needs and anxieties change over time.

Mr. CONNOLLY. Thank you very much.

Ms. PLASKETT. Thank you so much.

Mr. CONNOLLY. I thank the gentlelady.

The chair now recognizes the gentleman from Kentucky, Mr. Massie, for five minutes.

Mr. MASSIE. OK. I was going to go in a different order, but I'll go now.

Mr. CONNOLLY. OK.

Mr. MASSIE. I'll go now.

Mr. CONNOLLY. All right.

Mr. MASSIE. Thank you, Mr. Chairman.

So, some of the concerns that I've heard about the government being closed from my constituents is, ironically, IRS paper returns are not being processed at the time, and this is the irony of it. We're trying to send out stimulus checks, yet we can't return the money to the taxpayers who have overpaid. And I think that's an avoidable mistake. They closed down a paper processing facility in my congressional district.

They said they had too much capacity and everything's online. And so now they're telling constituents all over the country: Go online and file your tax return, even if you've already filed it by paper. And so I think we need to fix that as soon as possible.

It's also a real problem that the passports—we're having constituents who can't get passports. They're told that they're no

longer going to expedite passports. I think that's a problem. But I wanted to ask—I wanted to ask Mr. Mihm about the Census work. I saw that the GAO did a little bit of the report or the report covered a little bit about how it's affected the Census Bureau.

And can you tell me if you think that the Census is back on track or if the steps that they've taken will result in completing the Census on time?

Mr. MIHM. Well, the good news, sir, is that all the field offices have reopened and operations are now kicking in. They have met the response rate—the response targets that they had, which is also very good news, but there's still something in order of 60 million households out there that they will have to do the nonresponse followup operation with.

The big challenge for them going forward is, how does this first wave continue to ripple across the country or spike, in some cases, across the country? Will they need to pull back out of the field? And if so, that would severely compromise their ability to conduct the census on time, and then also, as you know, sir, that the Census Bureau has requested from Congress statutory relief to have an additional four months before they would need to provide the apportionment counts to the President. That would take them into April. And, in fact, their operational plan at this point is predicated on getting those additional four months.

Mr. MASSIE. So, are they currently able to do field assessments? Are they able to go door to door at this point, and what procedures are they using there?

Mr. MIHM. An earlier field operation meeting just within the last couple months called Update Leave, but that was quite successful. They were able to do that. Now they're gearing up for—and this will be in the middle of August for the most part around the country—to do the nonresponse followup. And that's the over 60 million households that didn't respond to the Census. So, quick PSA, if people haven't responded yet, please respond.

That's what it happens—and that will be the big challenge for them. They're going to be hiring up to 500,000 people to take the Census. That obviously requires an awful lot of training, tens of millions of PPE that have to be in place, and citizens' willingness to open the door when people knock.

Mr. MASSIE. When do they ramp up to the 500,000 number?

Mr. MIHM. What they're doing now is they've already made offers to many of those people. They're now getting them in and doing the fingerprinting, doing the online training that's going to be needed for that. The actual field efforts will begin in August on that, when they'll go out knocking on doors.

Mr. MASSIE. So, some people have predicted there may be a second wave as the weather cools down in the fall after August. Do you feel like they're prepared to deal with the implications of that, or are they planning for that?

Mr. MIHM. They're very concerned, very nervous about it, I think I should say, sir. The plan is—it's not as if there's a hard and fast plan in place because they already are running right up until the very end in terms of the data—in terms of the data collection and then going through the data and making sure that it's adequate for purposes of apportionment in redistricting.

So, obviously, a continued first wave with huge spikes or even a big second wave in the late in the fall could, while they're still in the field, would cause some very, very major concerns.

Mr. MASSIE. And just very briefly. Do you have any information on what's happening at the passport office or at the IRS in terms of two issues that my constituents have surfaced?

Mr. MIHM. Not at the passport office, sir, and obviously I can work with your office and get you the information that we can find out. In terms of the IRS, as your constituents would note, is that for those that file on paper, there has been an IRS—they have, in a sense, shut down on that. We are doing a review of the filing season this time around and so we'll be reporting to the Congress on that.

I would note that, as the Comptroller General will testify tomorrow, is that tens of millions of EIP, the economic impact payments, that were processed did go out from IRS. Not without some problems that we'll talk about, but in this case or in that sense the operations of the IRS did continue.

Mr. CONNOLLY. I thank—

Mr. MASSIE. My time's expired.

Mr. CONNOLLY. Thank you, Mr. Massie.

The chair now recognizes the gentleman from South Carolina, Mr. Norman, for his five minutes.

Afterwards, I will recognize the gentleman from Maryland, Mr. Raskin, and then I will adjourn the hearing. Votes have been called.

So, I intend to complete the hearing before we all go to vote.

Mr. Norman, you are recognized for five minutes.

Mr. Norman?

Mr. MASSIE. He's unmuting right now.

Mr. CONNOLLY. OK.

Mr. NORMAN. Can you hear me?

Mr. CONNOLLY. Yes, Mr. Norman, we can hear you. Welcome.

Mr. NORMAN. Thank you, Mr. Chairman.

I want to thank the panelists for testifying today. I will tell you I'm in the private sector, and the people that—the small businesses that have been out of work, closed down, are having to go back. And I think for all the 2.3 million Federal workers, they're still getting a paycheck, but if you talk to that waitress who hasn't seen a paycheck in a long time, you talk to that plumber who has not had a job, it is a health risk hazard not to be able to go back to work.

And I would just add, you know, there is a freedom to take a risk, and I think that's what we're finding out now.

Senator DeMint, you served in both Houses, served in Congress. As you know, Ms. Pelosi is the gatekeeper for Speaker for coming back to work.

Voting by proxy, is this what was intended by the Founders, the Framers of our Constitution?

Mr. DEMINT. No. Congressman, of course, the question's a little off-topic today, but I just have grave concerns about it. We need to get together. I mean, the only way to solve problems is to get together and talk. We need to do that much better than we have in the last several years, but we start allowing other people to vote

for us, the way that works out is—anyway, I just know from being in the House and the Senate, the best thing that could happen is for the Representatives to be there, to do the people’s business, and the House and Senate to be together, try to work problems out, talk to each other, have lunch together, do more than we’ve done in the past.

So, the idea that a lot of this can be done from home, we can see in this teleconference today that you just lose a lot of the backroom discussions that go on in hearings, particularly when you’re marking up a bill of some kind, where you can work something out in a couple minutes or your staff can do it behind you while you’re talking.

We lose all the dynamic of representative government when we start talking about proxy voting.

Mr. NORMAN. Well, that’s evident today because as we’ve talked, it’s come in and out. You can’t hear. But second, let me ask for your opinion, there was a letter sent by the Federal Workers Alliance union with 11 demands that had to be met before, I assume, they would go back to work. One of which was instant PPE, on-demand testing.

We got 2.3 million people. What’s your opinion of that and how does that—what’s your take on that?

Mr. DEMINT. Well, Congressman, as I read the letter, it seems more to be obstructing the idea of getting back to full employment at the Federal level, and certainly those are things that people at the different agency locations should consider, but as I mentioned before, if you have a one-size-fits-all mandate, if someone sitting in their office has to wear a mask even if they have a health condition that creates claustrophobia or whatever, and I’ve heard a lot of that, we need to just allow some flexibility.

If you’ve got office full of younger workers, all of those demands make very little sense. So, again, they can be guidelines, and we can certainly study them, and maybe, in some cases, they need to be a mandate, but I just don’t think this is a time for the Federal employees’ unions to be taking a stand that’s much, much stronger than we’re going to see in the private sector.

Mr. NORMAN. Right. Thank you a lot, Senator. I want to thank all the panelists.

And in the interest of time, I’ll yield back.

Mr. CONNOLLY. I thank the gentleman.

And the final member to be recognized is the gentleman from Maryland, my friend Mr. Raskin. five minutes.

Staff. He needs to unmute.

Mr. CONNOLLY. Mr. Raskin, if you can unmute yourself and make sure your video is on.

Mr. Raskin? Ok we can see you Mr. Raskin

Mr. RASKIN. OK. Alright.

Mr. CONNOLLY. Yep, we can hear you too.

Mr. RASKIN. Thank you very much, and thanks for calling the hearing. And, of course, proxy voting, I’ll just say a word about that. I mean, that’s an emergency measure that we instituted in order to guarantee the continuity of government because we couldn’t have everything shut down by this epidemic that’s out of control, where we have no national testing plan, no national con-

tact tracing plan, and we've lost more than 125,000 of our people already with 2.3 million people sickened.

So, we've got to do everything in our power to keep government going. We've got that responsibility. And, of course, the plan that we adopted replaced one where two people could essentially declare themselves Congress. That was adopted under a Republican Congress, and two people could declare themselves Congress in total disregard of the quorum requirement, and our rule scrupulously enforces the quorum requirement by making sure that every Member gets to continue to vote and be a voice for his or her constituents.

But it's OSHA's job to ensure safe working conditions for the American people, yet OSHA has been completely AWOL during this pandemic when workers' lives are literally on the line in every workplace in America, from slaughterhouses to schools.

All the way across the country, the agency has refused to issue emergency standards to protect workers, instead relying on voluntary guidelines. And despite receiving thousands of worker complaints, OSHA's done almost nothing to followup.

Indeed, as of mid-May, this time last month, OSHA had not issued any citations related to COVID-19 in any workplace in America, which is unbelievable. It's understandable the agency might want to limit exposure of its own inspectors, but this is no time for them to just blow the whistle and desert the field and abandon workers to the mercy of unsafe workplaces.

We've called on OSHA to do more. In April, I joined more than 40 colleagues urging emergency standards while the House in May passed the HEROES Act, which would obligate safety standards for various workers on the front lines endangered by the pandemic.

Ms. Simon, I know AFGE is also dismayed by OSHA's failure to use its authority here to protect America's workers. How would emergency standards help Federal workers, and how do you account for OSHA's miserable and repeated failure to step up?

Ms. SIMON. Thank you for the question. Am I muted?

Mr. RASKIN. We got you.

We can't hear you now.

Ms. SIMON. How about now?

Mr. RASKIN. Now you're fine.

Ms. SIMON. OK. Thank you.

Thank you very much for the question.

AFGE proudly represents OSHA inspectors, and they are as frustrated as the millions of American workers who are calling out for an emergency standard on COVID. Unfortunately, they are powerless to initiate or publish any kind of standard.

One example that we talked about—a story about it is in The Washington Post today—is in meat processing plants. We represent the meat and poultry inspectors, Department of Agriculture employees, one of whom has actually died from COVID during the pandemic, but many, many have become infected. And it's virtually impossible for them to do their jobs safely when you have almost unlimited line speeds in the meat processing plants. So, that's one clear example of the emergency standard that's so desperately needed in those plants that would really allow workers to social distance and perform their duties while protected with PPE.

Mr. RASKIN. Staying healthy. Thank you, Ms. Simon.

Ms. Martin, I want to come to you. You've also called for emergency OSHA standards. Why do you think it's so urgently needed?

Ms. MARTIN. Yes. OSHA and OSHA standards have saved lives. It's that simple. Since the time that they were created in 1970, they've been a guide of what safety looks like in our workplaces. Right now, the patchwork of states and local authorities saying what safety is isn't helpful. We need one Federal guideline, and OSHA is the right body to provide that for us.

Mr. RASKIN. Thank you very much.

Mr. Chairman, I yield back so we can all go vote.

Mr. CONNOLLY. Thank you very much, Mr. Raskin. And thank you for your advocacy for our Federal employees.

In closing, I want to thank all of our panelists for your contributions. I want to commend my colleagues for participating in an important conversation. As we look at further reentering the Federal workplace, both for our Federal employees and for Federal contracting employees, I do want to end on a personal note that I want to remember my constituent Chai. He worked in a daycare center at Quantico. He loved children. He loved being an American. He was a Thai American citizen who went through that transition and loved his country. He lost his life as a Federal employee because he contracted COVID-19 not too far from here at the Quantico Marine Base.

If we needed a reminder about the risks involved in the wrong decisions, in the lack of policy, in the lack of clear guidance, in the lack of defaulting on the side of safety to protect everybody, the other Chais in this world, so there aren't more victims, I've entered into the record the very powerful statement by his widow that I hope all of my colleagues will take heed of and read.

Mr. CONNOLLY. It's a reminder that there's a human face and there are real consequences to the loss of any life in this pandemic, and all of us in Congress have a special responsibility to protect the whole American public, including our Federal employees and Federal contract employees, as we proceed to make momentous decision about the reopening of business, the ending of quarantines, the need for more testing, the need to make sure that we have clear safety guidelines to protect every life because every life is worth protecting.

I thank all of my colleagues. I remind anybody if they have additional questions or statements for the record, they should go through the email provided in the committee memo or the clerk of the Oversight and Reform Committee. I thank everybody. Stay well. Stay healthy. God bless. Thank you.

The hearing is adjourned.

[Whereupon, at 11:47 a.m., the subcommittee was adjourned.]

