



August 11, 2021

The Honorable Patrick Leahy  
Chairman, Appropriations Committee  
United States Senate

The Honorable Richard Shelby  
Ranking Member, Appropriations Committee  
United States Senate

The Honorable Rosa DeLauro  
Chairwoman, Appropriations Committee  
U.S. House of Representatives

The Honorable Kay Granger  
Ranking Member, Appropriations Committee  
U.S. House of Representatives

Dear Chairman Leahy, Chairwoman DeLauro and Ranking Members Shelby and Granger:

On behalf of the undersigned organizations, we write to request that you extend a key contract worker retention program (known as Section 3610) beyond its current expiration date of September 30, 2021 in the continuing resolution (CR) you are drafting for the start of the 2022 Fiscal Year. In light of the recent surge of the Delta variant of COVID-19, it is critical that agencies retain the authority to protect the long-term health of the government industrial base for as long as is necessary to manage the current health emergency.

Originally enacted as part of the CARES Act (P. L. 116-136), Section 3610 authorizes federal agencies to reimburse certain company expenses for keeping skilled and trusted personnel in a ready state when they are unable, through no fault of their own, to perform work due to government-imposed closures or similar restrictions. This authority has been a critical lifeline for government programs and for the contractor industry during the COVID-19 emergency, and has been used across government, including by DoD, DHS, NASA, the Department of Energy, and across the Intelligence Community. As noted in a recent [Government Accountability Office \(GAO\) report](#), 80% of the contractors they spoke to indicated that “paid leave reimbursement had a great or moderate effect on their ability to retain employees, in particular those with specialized skills or clearances.”

Recognizing the continued need, Congress repeatedly extended Section 3610 since March of 2020, including by your committees in the Continuing Appropriations Act, 2021, and Other Extensions Act (PL 116-159) and most recently in the American Rescue Plan Act of 2021 (Section 4015, P.L. 117-2) after a bipartisan, 93-6 vote in the Senate.

The GAO report highlighted the importance of learning the lessons of COVID-19 and preparing now for potential future emergencies. One important step to prepare for unforeseen future emergencies would be to establish a permanent stand-by authority that can be used when the next emergency happens—be it a pandemic, cyber-attack, or natural disaster. As we work to address this recommendation in authorizing legislation, we urge you to include an extension of the current authority in the CR until such legislation can be enacted. Such an extension does not require additional funds and will provide federal agencies with the flexibility to utilize Section 3610 as necessary while the pandemic landscape remains fluid and unpredictable.

Thank you for your attention to this important issue. We look forward to continuing to work with your Committees on this matter.

Yours respectfully,

- Aerospace Industries Association (AIA)
- Alliance for Digital Innovation (ADI)
- American Council of Engineering Companies (ACEC)
- Associated General Contractors of America (AGC)
- Center for Procurement Advocacy (CPA)
- Computing Technology Industry Association (CompTIA)
- Intelligence and National Security Alliance (INSA)
- Information Technology Industry Council (ITI)
- National Defense Industrial Association (NDIA)
- Professional Services Council (PSC)
- Shipbuilders Council of America (SCA)