



September 20, 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:

In light of the continuously shifting requirements on contractors' access to facilities as a result of the pandemic, we write to you on behalf of the undersigned organizations to reiterate the request conveyed in our August 11, 2021 letter for an extension of the essential contract worker retention program (known as Section 3610 of the CARES Act) beyond its current expiration date of September 30, 2021.

Originally enacted as part of the CARES Act (P. L. 116-136), Section 3610 authorizes federal agencies to reimburse certain company expenses for keeping skilled and trusted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. The authority is used at the discretion of the contracting officer as appropriate to the mission and as directed by the implementation guidance. This authority has been a critical lifeline for government programs and the contractor industry during the COVID-19 emergency. It has been used across government, including by DoD, DHS, NASA, the Department of Energy, and the Intelligence Community.

Since we last wrote to ask for an extension of this authority, the average daily cases of COVID-19 have increased 19% in the United States. Due to the rise in cases, federal agencies have begun implementing tighter access protocols at federal worksites. One such example was DoD's recent transition at the Pentagon Reservation to Health Protection Condition Bravo Plus (Bravo+), impacting the ability of contractors to access facilities. Highlighting the importance of 3610, Section 802 of the current House version of the FY2022 National Defense Authorization Act, includes language supporting this authority.

Vaccination rates are increasing, and policies are being implemented—in government and private sector companies—that we all hope will decrease the spread of COVID. We are on the path to a full return to work, with a vaccinated workforce unfettered by COVID restrictions. But we are not there yet, and breakthrough cases are occurring. As such, it is critical that agencies retain the flexibility to manage their contractor workforce and the authority to protect the long-term health of the government industrial base as long as necessary.

Accordingly, we respectfully request that you include an extension of Section 3610 authorities in the continuing resolution (CR) you are drafting for the start of the 2022 Fiscal Year to ensure that this authority remains available as needed, given the constantly changing pandemic landscape.

Thank you for your attention to this crucial 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)