

May 1, 2020

The Honorable Mark T. Esper
Secretary
U.S. Department of Defense
The Pentagon
Washington, DC 20301

Dear Mr. Secretary:

The Department of Defense's (DOD's) work to mitigate the risk to the Armed Forces from COVID-19 is commendable, but we are concerned about unintended impacts on servicemembers and families, particularly those in the midst of a Permanent Change of Station (PCS) move when your late March stop movement order was implemented. Military and Veteran Service Organizations are reporting that some servicemembers are stuck with two housing payments, one at the location where they were supposed to move and one at the location where they have been ordered to remain. Clearly, that is an unfair financial burden to place on a military family, especially as the situation is not their fault and they were moving at the direction of the military service.

As we continue to work with your office and the Services to determine if Servicemember Civil Relief Act (SCRA) provisions are applicable and provide adequate protection for this unprecedented situation, we ask that you take the following steps:

- Direct the Service Secretaries and the Military Service Chiefs to remind their subordinate commands and leadership of the Exception to Policy (ETP) process, and direct that decision authorities be judicious in the use of ETPs to protect the force, while expeditious in moving families in this position when risk can be sufficiently mitigated.
- Direct the Service Secretaries, the Military Service Chiefs, and their Senior Enlisted Advisors to provide updates and outreach to servicemembers and families, while also listening to them, acknowledging the difficulties they face, and taking responsibility for completing the moves as quickly as possible.
- Direct the Service Secretaries and the Military Service Chiefs to provide a warm handoff to the Service's legal assistance for servicemembers and families impacted to advise them of their rights and protections under SCRA and to assist in working through any disputes that arise with creditors, landlords, or companies as a result of the delayed PCS move.
- Provide us and the appropriate committees of Congress an approximate number of servicemembers and military families with PCS orders in hand who were impacted by the stop move order, along with locations, within two weeks of receiving this letter. Please also provide an estimate of DoD civilian employees impacted.

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- Provide us and the appropriate committees of Congress an explanation on the criteria the Services will be utilizing to restart PCS moves for those with PCS orders in hand already, as well as any guidance provided to ETP signature authorities on how to make ETP decisions.
- Review current legal authorities at the Department's disposal to provide compensation and relief to military families in this situation. While DoD works to protect our military families, keeping them from PCSing means long days sheltering-in-place as a family in a hotel for some, and weeks without their household goods for others. Please provide us and the appropriate committees of Congress with a request for any authorities needed to make these families financially whole and their lives more tolerable while they wait to PCS.
- Direct the Service Secretaries and the Military Service Chiefs to provide a warm handoff for mental and physical healthcare to the servicemembers and families impacted while they are in this transition.
- Direct the Service Secretaries and the Military Service Chiefs to ensure that impacted servicemembers and families receive a warm handoff to appropriate food insecurity resources.
- Determine if any servicemember and family impacted have children unable to attend school virtually and why. Also, determine if any family includes participants in the Exceptional Family Member Program that need special care or assistance during the delayed PCS move.
- Direct the Service Secretaries to coordinate with the United Service Organizations, Service specific Emergency Relief Societies and the American Red Cross to provide for essential needs of, as well as morale and entertainment boosts for, the servicemembers and families for the duration of the delay.
- Coordinate with the Director of National Intelligence and the Secretary of State to support employees and families across the government in similar situations.

Mr. Secretary, we appreciate your attention to this matter and your care for our servicemembers and their families. As we continue to work together to stop the spread of COVID-19 and mitigate its impact on our military, our nation, and our world, we ask you to remind leadership throughout the Department that our servicemembers are our most important asset, and it is every leader's duty to take care of them and their families. We applaud the commanders who have taken this to heart and prioritized their responsibilities to approve or deny ETPs. Congress stands ready to enable the Department, its leadership, and its servicemembers to succeed in these goals.

Sincerely,



MIKE LEVIN
Member of Congress



JACKIE SPEIER
Member of Congress



MARK TAKANO
Member of Congress



JON TESTER
United States Senator