



DEPARTMENT OF THE AIR FORCE  
WASHINGTON DC

OFFICE OF THE ASSISTANT SECRETARY

Contract Policy Memo (CPM) 20-C-08

MEMORANDUM FOR ALMAJCOM/FOA/DRU (CONTRACTING)

FROM: SAF/AQC  
1060 Air Force Pentagon  
Washington DC 20330-1060

SUBJECT: Air Force Interim Implementation Guidance for Section 3610 of the CARES Act

The purpose of this memorandum is to reemphasize higher level guidance that has been provided regarding CARES Act implementation, and remind acquisition personnel to exercise sound business judgement in making decisions regarding reimbursement requests.

As outlined in Office of Management and Budget (OMB) Memorandum M-20-22, [“Preserving the Resilience of the Federal Contracting Base in the Fight Against the Coronavirus Disease 2019 \(COVID-19\)”](#), Congress made clear that reimbursements to contractors and subcontractors made pursuant to section 3610 CARES Act are subject to the availability of funds. Although Section 3610 provides agencies with discretionary authority to reimburse costs of paid leave to federal contractors and subcontractors from otherwise legally available agency funding, such as program funds, discretion must be used to ensure such reimbursement is in the best interest of the government. Specifically, mission requirements may be jeopardized, as there is no guarantee that program funds used for this purpose will be reimbursed with CARES Act appropriations.

Contracting officers should not modify a contract until: (1) the contracting officer has made a determination that the contractor is an “affected contractor” within the meaning of DFARS 231.205-79 (Class Deviation 2020-O0013); (2) the program manager or requirements owner has made a decision to reimburse the contractor; *and* (3) funds are available for the purpose of the reimbursement.

OUSD(A&S)/DPC expects to issue additional DoD Section 3610 implementing guidance for reimbursement on or around May 22, 2020. Direct questions to Ms. Dawn Messer, SAF/AQCP, at 571-256-2387 or DSN 260-2387.

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