



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Sam Graves
Chairman

Rick Larsen
Ranking Member

Jack Ruddy, Staff Director

Katherine W. Dedrick, Democratic Staff Director

February 13, 2023

The Honorable Deanne Criswell
Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, DC 20024

Dear Administrator Criswell:

On March 13, 2020, President Trump issued emergency declarations related to COVID-19 for all fifty States and United States territories pursuant to Section 501(b) of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)*.¹ Subsequently, major disaster declarations were issued to States, territories, and Tribal governments.² These declarations made available funding from the Disaster Relief Fund (DRF).³ The Federal Emergency Management Agency (FEMA) has since obligated more than \$110 billion from the DRF for COVID-19, excluding administrative costs.⁴

Under the Biden Administration, FEMA's authorities are being exercised more extensively.⁵ We are committed to conducting oversight of the taxpayer dollars allocated in response to the COVID-19 pandemic.⁶ In light of the billions of dollars distributed through the DRF, we request information regarding FEMA's accounting of these funds, and information

¹ FEMA, *Covid-19 Disaster Declarations*, available at <https://www.fema.gov/disaster/coronavirus/disaster-declarations> (last updated Aug. 20, 2021).

² WILLIAM L. PAINTER, CONG. RSCH. SERV., R45484, THE DISASTER RELIEF FUND: OVERVIEW AND ISSUES 15 (Jan. 20, 2022) at 5, available at <https://crsreports.congress.gov/product/pdf/R/R45484>.

³ *Id.* at 1.

⁴ See FEMA, DISASTER RELIEF FUND: MONTHLY REPORT AS OF MARCH 31, 2021, DEPT. OF HOMELAND SEC. (2021), available at https://www.dhs.gov/sites/default/files/publications/fema_-_disaster_relief_fund_-_march_2021.pdf; FEMA, DISASTER RELIEF FUND: MONTHLY REPORT AS OF SEPTEMBER 30, 2021, DEPT. OF HOMELAND SEC. (2021) https://www.fema.gov/sites/default/files/documents/fema_october-2022-disaster-relief-fund-report.pdf; and FEMA, DISASTER RELIEF FUND: MONTHLY REPORT AS OF MARCH 30, 2020, DEPT. OF HOMELAND SEC. (2020), available at https://www.dhs.gov/sites/default/files/publications/fema_-_disaster_relief_fund_-_september_2020.pdf.

⁵ *Supra* note 2 at 5-6.

⁶ See e.g. Kevin Freking, *Republican-led committee targets COVID relief aid for review*, AP, Feb. 1, 2023, available at <https://apnews.com/article/biden-politics-united-states-government-james-comer-donald-trump-100837bb8d7555b14e146dd1f838d1eb>.

regarding FEMA's protocols to ensure taxpayer resources are not subject to waste, fraud, or abuse.

Further questions are raised by the continuation of COVID emergency declarations pursuant to the *Stafford Act*, despite President Biden's September 18, 2022, acknowledgement that the "pandemic is over."⁷ On February 1, 2023, the United States House of Representatives passed H.J. Res. 7 to end the COVID-19 national emergency, declared under the *National Emergencies Act*, with a bipartisan vote.⁸ Just two days before, the same day H.J. Res. 7 came before the House Committee on Rules for debate, President Biden indicated he plans to end the COVID emergency declaration on May 11, 2023.⁹ This deadline ends the national emergency 101 days after the Statement of Administration Policy was issued, far exceeding the 60 days' notice President Biden stated he wants to provide.¹⁰ In accordance with President Biden's announcement on February 9, 2023, FEMA issued an Advisory announcing all COVID-19 disaster declaration incident periods will close May 11, 2023.¹¹

In light of the President's own words and Congressional questions about FEMA's management of billions of dollars, the Committee on Transportation and Infrastructure is conducting oversight into the continued use of DRF funding in response to COVID-19. We owe it to the American people to ensure DRF funds are appropriately and responsibly utilized. As part of this oversight, the Committee requests documents and information relating to assistance provided pursuant to the COVID-19 declarations.

In order to assist the Committee with its investigation, please provide responses to the following questions and requests, as soon as possible, but no later than 5:00 p.m. ET on February 27, 2023:

1. Why is the incident period for the COVID-19 declarations extended to May 11, 2023? Please provide a document describing the precedents for disaster declarations during which FEMA provided a 90-day notice for the closing of the incident periods?
 - a. Further, please provide any standard operating procedures (SOPs) that FEMA relies on to close incident periods and any further internal guidance documents that FEMA utilizes to make recommendations to the President on when to close a declaration related to COVID-19.

⁷ David Cohen & Adam Cancryn, *Biden on '60 Minutes': 'The pandemic is over'*, Sept. 18, 2022, available at <https://www.politico.com/news/2022/09/18/joe-biden-pandemic-60-minutes-00057423>.

⁸ Final Vote Results for Roll Call 104 (reporting H.J. Res. 7 with a vote of 229 Yeas, 197 Nays) available at <https://clerk.house.gov/evs/2023/roll104.xml>.

⁹ See H. COMM. ON RULES, *Meeting Announcement for H.J. Res. 7, H.R. 139, H.R. 382, H.R. 497*, available at <https://rules.house.gov/news/announcement/meeting-announcement-hj-res-7-hr-139-hr-382-hr-497>; OFFICE OF MGMT. AND BUDGET, *Statement of Administration Policy: H.R. 382 & H.J. Res. 7* (Jan. 30, 2023), available at <https://www.whitehouse.gov/wp-content/uploads/2023/01/SAP-H.R.-382-H.J.-Res.-7.pdf>.

¹⁰ *Id.*

¹¹ FEMA Advisory, *FEMA Announces All COVID-19 Disaster Declaration Incident Periods Will Close May 11*, (February 9, 2023) (on file with Comm.).

2. How many requests for assistance under these declarations are still outstanding or are ongoing? Please provide a document indicating the nature, costs, and categories of such requests in total and categorized by State, territory, and Tribal government.
3. A document listing the total amount of administrative costs associated with activities and funding related to the COVID-19 declarations and indicate whether those administrative costs were covered with Federal funds.
4. A document listing the obligations out of the DRF pursuant to the COVID-19 emergency declarations by category as well as by State, territory, and Tribal government, if a direct declaration was made for such Tribal government.
5. A document detailing obligated funding and actual expenditures by category as well as by State, territory, and Tribal government.
6. A document describing the timeline of obligations and expenditures by category allocated in response to the COVID-19 emergency declarations, from March 13, 2020, to February 13, 2023.

Pursuant to House Rule X, the Committee has jurisdiction over these issues and shall conduct appropriate oversight of these actions. This request and any documents created as a result of this request will be deemed Congressional documents of the Committee. An attachment contains additional instructions for responding to this request. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2165 of the Rayburn House Office Building and the Minority Staff in Room 2164 of the Rayburn House Office Building.

If you have any questions about this request, please contact Johanna Hardy, with the Subcommittee on Economic Development, Public Buildings, and Emergency Management at johanna.hardy@mail.house.gov or 202-225-9446. Thank you for your prompt attention to this matter.

Sincerely,



Sam Graves
Chairman
Committee on Transportation
and Infrastructure



Scott Perry
Chairman
Subcommittee on Economic
Development, Public
Buildings, and
Emergency Management

The Honorable Deanne Criswell
February 13, 2023

cc: The Honorable Rick Larsen, Ranking Member
Committee on Transportation and Infrastructure

The Honorable Dina Titus, Ranking Member
Subcommittee on Economic Development, Public Buildings, and Emergency
Management

Enclosure:
Attachment A – Requirements for Responding to the House Committee on Transportation and
Infrastructure Records Requests in the 118th Congress.