

Congress of the United States
Washington, DC 20510

August 6, 2020

The Honorable Mary B. Neumayr
Chairman
The Council on Environmental Quality
730 Jackson Place, NW
Washington, DC 20503

RE: Status Update and Request for Relevant Records on Implementation of Executive Order 13927

Dear Ms. Neumayr:

On June 4, 2020, the President signed Executive Order 13927 on “Accelerating the Nation’s Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities.” The Executive Order calls for agencies to provide reports to the White House listing projects, activities, and decisions that they will attempt to move forward under expedited review. Projects listed in these reports are federal, relate directly to federal agency actions and decisions that are funded by taxpayer dollars, and are subject to a myriad of federal laws that require transparency and public accountability. As such, documents related to the implementation of this Executive Order should be public.

However, on July 7, 2020, just three days after the deadline passed for the White House to receive the first reports from agencies in response to the Executive Order, Office of Management and Budget Deputy Director Chase Jennings told reporters that “These reports are not public.”¹ These reports contain information on how billions of taxpayer dollars will be spent on projects impacting the health and safety of their communities. How these taxpayer dollars are spent should be subject to taxpayer scrutiny. By keeping these reports from the public, this administration is concealing its own response to the economic crisis brought on by the COVID pandemic. If the administration is confident that this Executive Order can legally and legitimately provide economic relief, it should disclose which projects and decisions it is advancing under the auspices of the Order.

In order to guarantee oversight of the implementation of E.O. 13927 and to ensure the public availability of all associated reports, please provide the House Natural Resources Committee, House Committee on Transportation and Infrastructure, and Senate Committee on Environment and Public Works with the following reports as soon as possible, but no later than August 17, 2020:

1. All reports submitted by Federal agencies to the Council on Environment Quality (CEQ) identifying projects and actions that have been expedited pursuant to Executive Order No. 13927;
2. Any report submitted to CEQ by the head of any federal agency in response to Executive Order No. 13972 identifying any planned or potential actions that: (A) may be subject to emergency treatment as alternative arrangements pursuant to CEQ’s National Environmental Policy Act (NEPA) regulations and an agencies’ own NEPA procedures; (B) may be subject to statutory exemptions of NEPA; (C) may be subject to the categorical exclusions that agencies have

¹ Bloomberg Law, “White House Mum on Land Projects Expedited for Virus,” Bobby Magill, July 7, 2020, <https://news.bloomberglaw.com/environment-and-energy/white-house-mum-on-land-projects-fast-tracked-for-virus-recovery>.

included in their NEPA procedures pursuant to the NEPA regulations; (D) may be covered by already completed NEPA analyses that obviate the need for new analyses; or (E) may otherwise use concise and focused NEPA environmental analyses;

3. Any report submitted to CEQ by the head of any federal agency in response to Executive Order No. 13927 identifying planned or potential actions that may be subject to the Endangered Species Act regulation on consultations in emergencies, (50 C.F.R. 402.05);
4. Any report submitted to CEQ by the head of any federal agency in response to Executive Order No. 13927 identifying planned or potential actions to facilitate the Nation's economic recovery that may be subject to emergency treatment under the regulations and nationwide permits promulgated by the U.S. Army Corps of Engineers, or jointly by the Corps and the Environmental Protection Agency (EPA); and
5. Any report submitted to CEQ by or on behalf of the head of any federal agency in response to Executive Order No. 13927 identifying planned or potential actions to facilitate the Nation's economic recovery that may be subject to emergency or expedited treatment, including waivers, exemptions, or other streamlining, with regard to agency actions pertinent to infrastructure, energy, environmental, or natural resources matters.

As Executive Order No. 13927 also requires these agencies to provide updated reports at regular intervals, you must also set up a system for the continued release of documents and lists.

If you have any questions regarding this request, please contact Matthew Muirragui with the House Natural Resources Committee at (202) 225-6065, Navis Bermudez with the House Committee on Transportation and Infrastructure at (202) 225-0060, or Andrew Wishnia with the Senate Committee on Environment and Public Works at (202) 224-6176. Thank you for your attention to this matter.

Sincerely,

Peter A. DeFazio
Chair
U.S. House Committee
on Transportation and
Infrastructure

Raúl M. Grijalva
Chair
U.S. House Committee
on Natural Resources

Thomas R. Carper
Ranking Member
U.S. Senate Committee
on Environment and
Public Works

Nydia M. Velázquez
Member of Congress

Grace F. Napolitano
Member of Congress

Deb Haaland
Member of Congress

Chris Pappas
Member of Congress

A. Donald McEachin
Member of Congress

Mark DeSaulnier
Member of Congress

Debbie Dingell
Member of Congress

Donald M. Payne, Jr.
Member of Congress

Eleanor Holmes Norton
Member of Congress

Alan Lowenthal
Member of Congress

Adriano Espaillat
Member of Congress

Anthony G. Brown
Member of Congress

Jared Huffman
Member of Congress

Stephen F. Lynch
Member of Congress

Rick Larsen
Member of Congress

André Carson
Member of Congress

Salud Carbajal
Member of Congress

Henry C. "Hank"
Johnson, Jr.
Member of Congress

Jesús G. "Chuy" García
Member of Congress

Dina Titus
Member of Congress

Harley Rouda
Member of Congress

Steven Horsford
Member of Congress

Paul D. Tonko
Member of Congress

Darren Soto
Member of Congress

Diana DeGette
Member of Congress

Steve Cohen
Member of Congress

Ruben Gallego
Member of Congress

Joe Neguse
Member of Congress

Wm. Lacy Clay
Member of Congress

Kirsten Gillibrand
United States Senator

Patrick Leahy
United States Senator

Tina Smith
United States Senator

Dianne Feinstein
United States Senator

Margaret Wood Hassan
United States Senator

Chris Van Hollen
United States Senator

Ron Wyden
United States Senator

Tammy Duckworth
United States Senator

Edward J. Markey
United States Senator

Benjamin L. Cardin
United States Senator

Jeffrey A. Merkley
United States Senator

Mazie K. Hirono
United States Senator

Elizabeth Warren
United States Senator

Cory A. Booker
United States Senator

Sherrod Brown
United States Senator

Sheldon Whitehouse
United States Senator

Jack Reed
United States Senator

Catherine Cortez Masto
United States Senator

Charles E. Schumer
United States Senator

Tom Udall
United States Senator

Kamala D. Harris
United States Senator

Michael F. Bennet
United States Senator

Amy Klobuchar
United States Senator

Jeanne Shaheen
United States Senator

Robert Menendez
United States Senator