



**Committee on Transportation and Infrastructure
U.S. House of Representatives**

Peter A. DeFazio
Chairman

Washington, DC 20515

Sam Graves, MO
Ranking Member

Katherine W. Dedrick, Staff Director

Paul J. Sass, Republican Staff Director

December 5, 2019

The Honorable Elaine L. Chao
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Chao:

We are deeply concerned that we have yet to receive a response to our letter dated July 18, 2019, requesting information from the Department on alleged changes to your discretionary grant program evaluation process. This is unacceptable.

We wrote to you in response to a report by the Government Accountability Office (GAO) entitled "Discretionary Transportation Grants: Actions Needed to Improve Consistency and Transparency in DOT's Application Evaluations" (GAO-19-541).¹ In that report, GAO cited a Departmental memo from April 2019 issued to all offices that administer discretionary grants, directing them to update their policies and procedures to implement past GAO recommendations with respect to discretionary grant evaluations by June 30, 2019.

We specifically requested a copy of the April 2019 memo and the updated policies sent to the Office of the Senior Procurement Executive in response to the memo. We have yet to receive a response, which leaves us to wonder whether anything has changed.

As we look to surface transportation reauthorization, the Committee remains committed to ensuring the success of the Nationally Significant Freight and Highways Projects program, which your Department refers to as INFRA grants, and other discretionary grant programs to ensure an even playing field for all applicants. To that end, we request by December 19, 2019, the following records:

¹ "DISCRETIONARY TRANSPORTATION GRANTS: Actions Needed to Improve Consistency and Transparency in DOT's Application Evaluations," Government Accountability Office (GAO), GAO 19-541, June 2019, accessed here: <https://www.gao.gov/assets/710/700024.pdf>

- A copy of the April 2019 memo and the updated policies sent to the Office of the Senior Procurement Executive in response to the memo;
- Any new requirements the Department has put in place to ensure these new procedures are implemented consistently and fully;
- For the FY 2017/2018 round of funding:
 - Documentation on the 165 projects that were sent to the Secretary for consideration, and detailed documentation on the criteria and process used to select the final 26 projects that received awards;
 - Of the 97 large projects that did not include sufficient information for the Department to assess if the projects met each of the statutory requirements, documentation on how and why the Department selected to follow up with only 42 of those applicants, and what information the Department requested to help determine if their projects met the requirements; and
- For the FY 2019 round of funding, documentation on which of the 193 project applications were sent to the Secretary for consideration, and detailed documentation on the criteria and process used to select the final 20 projects that were selected to receive awards.

We recognize that problems in the grant evaluation process have long plagued the Department, and the Committee intends to look at ways to ensure discretionary grant programs are evaluated and awarded based on merit and anticipated effectiveness to address our infrastructure needs. If you would like this consideration to be informed by the Department's efforts to date, we urge you to respond in a timely fashion.


Please provide two sets of copies of all of the requested data above in a searchable electronic format. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production. Please provide the requested information and documents on a rolling basis if necessary. You may contact Committee staff to discuss a priority order of delivery of the records requested above.

Please deliver one set of these records to the Majority Staff in Room 2165 of the Rayburn House Office Building and one set of records to the Minority Staff in Room 2164 of the Rayburn House Office Building. Any questions regarding this request should be directed to Helena Zyblikewycz on the Subcommittee on Highways and Transit at helena.zyblikewycz@mail.house.gov.

Thank you for your attention to this matter.

Sincerely,


PETER A. DeFAZIO
Chairman


ELEANOR HOLMES NORTON
Chair
Subcommittee on Highways & Transit

cc: The Honorable Sam Graves
Ranking Member

The Honorable Rodney Davis
Ranking Member
Subcommittee on Highways and Transit