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## United States Senate

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

September 19, 2022

Delivered via Email

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Biden:

I watched with great interest your *60 Minutes* interview on Sunday night where you stated, “the pandemic is over. We still have a problem with COVID, we’re still doing a lot of working on it, but the pandemic is over.” If that is the case and you, as President, direct policy of your Administration, I have questions about actions your Administration is taking that do not align with your announcement.

Despite Americans having largely returned to normal life, which you acknowledged when you noted that attendees at the Detroit Auto Show were not wearing masks, your Administration continues to request un-offset emergency funding from Congress, enforce vaccine mandates, and maintain federal emergency declarations that cost taxpayers billions of dollars. Without a clear plan to wind down pandemic-era policies, the deficit will continue to balloon and the effectiveness of public health measures will wane as the American people continue to be confused by mixed messages and distrust of federal officials.

In light of these concerns, I request written responses to each of the following questions no later than September 30, 2022:

1. When do you plan to terminate the Stafford Act and National Emergencies Act declarations related to the COVID-19 pandemic response? How will you communicate this plan to states, and how much advance notice will they receive to ensure an orderly transition of any ongoing activities that utilize flexibilities derived from these authorities, such as section 1135 waivers?

2. Your Administration has previously stated that states will be notified at least 60 days ahead of the expiration or termination of the federal public health emergency declaration. That declaration is currently set to expire on October 13, 2022, and, to my knowledge, no such notice has been given.
  - a. When you declared the pandemic to be over, were you aware that the Secretary of Health and Human Services had pledged to inform states beforehand?
  - b. Is it safe to assume that the Secretary will not renew the public health emergency declaration again?
  - c. If no, how is such a renewal justified, given your statement that the pandemic is over?
  - d. If the declaration is renewed, how does that comport with your declaration that the pandemic is over?
3. Now that the pandemic is over, when will you reverse current policies that prevent manufacturers of COVID-19 countermeasures from selling their products within the commercial market?
4. States have been receiving a 6.2 percentage point increase in their Medicaid match rates in exchange for, among other things, agreeing to a prohibition on redetermining the income-based eligibility of beneficiaries. As a result of this policy, more than one in four Americans is now enrolled in Medicaid, placing an immense strain on the safety net program that should be focused on providing high quality care to the most vulnerable low-income Americans, particularly those with complex health and long-term care needs. The non-partisan Congressional Budget Office estimated that nearly 13 million Americans who would otherwise make too much money for Medicaid are enrolled in the program – including individuals who have insurance through their employers – adding nearly \$10 billion in federal Medicaid costs for each month the public health emergency is extended past September of 2022. Since the pandemic is over, how do you justify spending tens of billions to keep people on Medicaid who would otherwise make too much money to qualify for the program and already have employer-sponsored insurance?
5. With the pandemic being over, when will vaccination requirements for federal workers and contractors end? Immediately? Within 15 days? 30 days?
6. Will CDC revisit its masking recommendations associated with its COVID-19 Community Levels?
7. Will you finally direct federal workers who were onsite prior to the pandemic to return to work in person?
8. Given that you declared the pandemic to be over, does the Occupational Safety and Health Administration intend to finalize the proposed regulation based on “Emergency Temporary Standard--COVID-19” for healthcare workers?
9. Since you have declared the pandemic to be over, and your Administration relies on the emergency in your illegal actions citing the HEROES Act as their authority:
  - a. Will the Department of Education return student loans to repayment without any further extensions to the pause on payments and interest?

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- b. Will the Department of Education end the Public Service Loan Forgiveness waiver on October 31, 2022 as initially slated?
  - c. Will you rescind your student loan forgiveness decision?
  - d. Will the Department of Education end all other waivers or flexibilities created in Federal Student Aid programs claiming authority granted under the HEROES Act due to the pandemic?
10. Given that you declared the pandemic to be over, why on Friday, September 16, 2022, did the Office of Head Start merely announce its intent in “the near future...to publish a final rule that will formally remove the requirement for universal masking in Head Start programs for all individuals ages 2 and older”?
- a. Why not simply lift the requirement immediately?
  - b. What is the definition of “near future?”

Thank you for your attention to this important matter. I look forward to receiving a prompt reply.

Respectfully,



Richard Burr