

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DALLAS COUNTY, TEXAS,

Plaintiff,

v.

ROBERT F. KENNEDY, JR., Secretary,
United States Department of Health and
Human Services, et al.,

Defendants.

Civil Action No. 25-4242 (CRC)

NOTICE OF SUPPLEMENTAL INFORMATION

Pursuant to the Court’s order directing the Defendants to provide supplemental information regarding the expenditure of the Congressionally appropriated funds at issue in this litigation, the Defendants provide the following information:

1. For both CARES Act and CRRSA funds, the key distinction is between Center of Disease Control’s (“CDC”) authority to obligate appropriated funds and a recipient’s authority to use funds after they have been timely obligated through an award.
2. Plaintiff, Dallas County, had one direct award under OT21-2103 which was terminated in March 2025. Dallas County provided the required documents, and their direct grant was closed in May 2025.
3. Dallas County is also a subrecipient under the ELC NOFO CK19-1904, which expires in July 2027. The State of Texas (“Texas”) is the prime recipient and did not participate in the litigation. Any funds provided to them via the subaward should remain available for their use until prime grant expires.
4. *Is there a date-certain for termination of the funds under each appropriation?*
 - a. To the extent the CARES Act or CRRSA appropriations contained a period of availability, that period governed CDC’s ability, as the awarding agency, to obligate the funds. Once CDC timely obligated those funds into a grant or cooperative agreement, the recipient’s use of those funds was governed by the terms and conditions of the award, including the approved budget period, project period, or closeout requirements.

- b. CDC timely obligated the relevant COVID supplemental funds. For Dallas County’s direct award, CDC’s position is that Dallas County submitted the required closeout documentation and the award was closed. As a result, those funds are no longer available to Dallas County.
- c. For the subaward, CDC obligated the funds to Texas. When CDC later terminated access to COVID supplemental funds in March 2025, Texas did not appeal that termination. Those COVID funds were then withdrawn from the award and returned to CDC/HHS. Although Texas’s broader award remains open, it remains open only with non-COVID funds that Texas may still use. The COVID supplemental funds at issue are no longer available through that award.

5. *Can funds under either appropriation be expended after July 30, 2026?*

- a. As a general matter, the expiration of an appropriation’s obligation period does not, by itself, answer whether a recipient may expend funds after that date. If funds were timely obligated and remain available under the terms of an active award, the award terms—not merely the appropriation’s obligation period—control the recipient’s ability to expend them.
- b. Here, Dallas County does not appear to have CARES Act or CRRSA COVID supplemental funds available to expend after July 30, 2026. Its direct award was closed, and the COVID supplemental funds associated with the Texas subaward were terminated, withdrawn, and returned to CDC/HHS after Texas did not appeal. Unlike in the *Harris County* (see *Harris County, Texas v. Kennedy*, Civ. No. 25cv1275 (D.D.C.) (CRC), matter, where CDC worked to recover funds because of the preliminary injunction, there is no comparable injunction or recovery effort involving Dallas County. Accordingly, absent a reinstatement, re-obligation, or court order, those funds cannot be expended by Dallas County after July 30, 2026.

* * *

Dated: December 18, 2025

Respectfully submitted,

JEANINE FERRIS PIRRO
United States Attorney

By: /s/ Zachary J. Krizel
ZACHARY J. KRIZEL
Assistant United States Attorney
601 D Street, NW
Washington, DC 20530
202-252-2518
Zachary.Krizel@usdoj.gov

Attorneys for the United States of America