

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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May 11, 2020

The Honorable Donald J. Trump
President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

More than 21,600 New Yorkers have died as a result of the coronavirus pandemic, and more than 337,000 New Yorkers have tested positive for the virus.¹ New York urgently needs federal assistance to combat this unprecedented public health crisis and to prevent more people from being infected, getting sick, and dying.

New York Governor Andrew Cuomo and the entire New York congressional delegation—including Democrats and Republicans—have urged you to authorize the Federal Emergency Management Agency (FEMA) to cover the full cost of New York’s emergency response in response to this pandemic. You agreed with this proposal, but you have not yet provided FEMA the authority to increase federal cost-sharing for emergency services in New York. You received this funding request more than a month ago, and I urge you to approve it without further unnecessary delays.

On March 13, 2020, you declared a national emergency as a result of the coronavirus pandemic.² Under the Stafford Act, this declaration made states eligible for public assistance for

¹ New York State Department of Health, *NYSDOH COVID-19 Tracker* (May 5, 2020) (online at <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Map?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>); New York State Department of Health, *Fatalities* (May 5, 2020) (online at <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>).

² The White House, *Letter from President Donald J. Trump on Emergency Determination Under the Stafford Act* (Mar. 13, 2020) (online at www.whitehouse.gov/briefings-statements/letter-president-donald-j-trump-emergency-determination-stafford-act/); The White House, *Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak* (Mar. 13, 2020) (online at www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/).

coronavirus response efforts, with the federal government covering at least 75% of the cost.³ The President is authorized to increase this support to 100% federal funding “[i]f warranted by the needs of the disaster.”⁴

During a Committee briefing on March 20, 2020, I pressed FEMA Administrator Peter T. Gaynor on when the Administration would declare a major disaster in New York.⁵ Later that day, you declared “that a major disaster exists in the State of New York” and ordered “Federal assistance to supplement State, tribal, and local recovery efforts.”⁶

The following day, March 21, 2020, Governor Cuomo announced that he was requesting that the federal government waive the 25% cost-sharing for New York, explaining that, “if there is any situation where FEMA should waive the 25%, this is the situation.”⁷ On April 17, 2020, I joined the entire New York congressional delegation in a bipartisan letter urging you to approve New York’s request.⁸

On April 21, 2020, you met with Governor Cuomo at the White House. Following the meeting, Governor Cuomo stated:

The President also agreed, which is a big deal for New York, to waive what’s called the state match for FEMA. Normally a state has to pay 25 percent of the FEMA cost. That would be a cruel irony for New York and adding insult to injury. ... So, the President agreed to waive that. That’s a very big deal. That’s hundreds of millions of the dollars to the State of New York.”⁹

³ 42 U.S.C. 5172(b) (“Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.”).

⁴ 44 CFR § 206.47(d).

⁵ Committee on Oversight and Reform, *FEMA Briefs Oversight Committee on Administration’s Coronavirus Response* (Mar. 20, 2020) (online at <https://oversight.house.gov/news/press-releases/fema-briefs-oversight-committee-on-administration-s-coronavirus-response>).

⁶ The White House, *President Donald J. Trump Approves New York Disaster Declaration* (Mar. 20, 2020) (online at www.whitehouse.gov/briefings-statements/president-donald-j-trump-approves-new-york-disaster-declaration-5/).

⁷ *New York Governor Cuomo Coronavirus News Conference*, C-SPAN (Mar. 21 2020) (online at www.c-span.org/video/?470585-1/governor-cuomo-coronavirus-briefing-10000-cases-york-state); *see also* Letter from Governor Larry Hogan and Governor Andrew M. Cuomo to President Donald J. Trump (Apr. 2, 2020) (writing “[o]n behalf of the nation’s governors” in support of states’ requests for waivers of states’ cost-sharing) (online at www.nga.org/policy-communications/letters-nga/fema-waive-cost-share-requirements/).

⁸ Senator Charles E. Schumer, *Press Release: Bi-Partisan New York Delegation Calls on President Trump to Immediately Provide New York 100% of Federal Funding For All FEMA Coronavirus Disaster Work* (Apr. 17, 2020) (online at www.schumer.senate.gov/newsroom/press-releases/bi-partisan-new-york-delegation-calls-on-president-trump-to-immediately-provide-new-york-100-federal-funding-for-all-fema-coronavirus-disaster-work); *see also* Letter from Rep. Bill Pascrell, Jr. et al. to President Donald J. Trump (Apr. 20, 2020) (online at https://pascrell.house.gov/uploadedfiles/fema_cost_share_letter_to_potus_-_final.pdf) (letter from 170 Members of Congress requesting the elimination of state cost-sharing requirements under the nationwide emergency declaration).

⁹ Governor Andrew M. Cuomo, *Video, Audio, Photos & Rush Transcript: Amid Ongoing COVID-19 Pandemic, Governor Cuomo and Mayor Mike Bloomberg Launch Nation-Leading COVID-19 Contact Tracing*

After this meeting, you said:

I'm proud of the relationship my administration has forged with New York and, I can say very honestly, with New York State and New York City. They've been terrific to work with. The New York metropolitan area has been the epicenter of the outbreak here in America, and the federal government has spared no expense or resource to get New Yorkers the care they need and the care they deserve.¹⁰

On April 27, 2020, Committee staff asked FEMA staff for an update on this issue. FEMA staff stated, the "authority to adjust the Public Assistance cost share resides with the President" and said, "the request is currently under active review." FEMA staff would not provide any information regarding the timing of your decision.¹¹

New York has been the worst-hit state in the nation, and our citizens cannot afford further delays in receiving the federal funding necessary to combat this public health crisis. You promised to help, but your commitment has been languishing for weeks in a clouded muddle of bureaucratic inaction. I ask that you provide clear direction—today—to instruct FEMA to make good on your pledge and help the people of New York.

Sincerely,



Carolyn B. Maloney
Carolyn B. Maloney
Chairwoman

cc: The Honorable Jim Jordan, Ranking Member

Program to Control Infection Rate (Apr. 22, 2020) (online at www.governor.ny.gov/news/video-audio-photos-rush-transcript-amid-ongoing-covid-19-pandemic-governor-cuomo-and-mayor-mike).

¹⁰ The White House, *Remarks by President Trump and Members of the Coronavirus Task Force in Press Briefing* (Apr. 21, 2020) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-members-coronavirus-task-force-press-briefing-3/).

¹¹ Email from Staff, Federal Emergency Management Agency, to Staff, Committee on Oversight and Reform (Apr. 27, 2020).