

# United States Senate

WASHINGTON, DC 20510-3203

September 10, 2020

The Honorable Peter T. Gaynor  
Administrator  
Federal Emergency Management Agency  
500 C Street S.W.  
Washington, D.C. 20472

Dear Administrator Gaynor:

We write you with serious concern after reviewing the recently released Federal Emergency Management Agency (FEMA) coronavirus disease 2019 (COVID-19) Public Assistance guidance. While FEMA claims nothing has changed, this updated guidance would restrict funding for personal protective equipment (PPE), testing, and disinfectant supplies. As the United States rapidly has surpassed 6.3 million confirmed positive cases, we urge you to increase support to our constituent states, not diminish it, by reversing this guidance.

As you know, every state, territory, and tribal government has been impacted by this virus, with California, Texas, Florida, New York, and Georgia confirming the most positive COVID-19 cases, and New York having tragically lost the most lives to it. Just yesterday the United States hit a grim milestone with 190,000 deaths from COVID-19. It is a level of loss we still grapple to comprehend. In our time of need, we called on FEMA to help our states setup temporary hospitals, provide PPE to first responders and essential workers, and so much more. As such, states have already received over \$8 billion from FEMA's Disaster Relief Fund, lifesaving funds that have helped us fight back against this horrendous virus. While this funding has been instrumental, it is only the beginning of what our states need to continue its battle against COVID-19.

In March, FEMA released guidance on COVID-19 funding that lists testing, disinfectants, and PPE as eligible expenses under all COVID-19 disaster declarations. In the wake of this guidance, we worked closely with our states, cities, localities, and tribal partners to ensure that the most urgent needs were expeditiously addressed by FEMA. The funding that FEMA provided saved countless lives and continues to do so.

On September 1, 2020, FEMA released "Interim Policy: Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance (FEMA Policy - FP 104-009-19)" which abruptly changes course, limiting FEMA funding in these important areas. On calls and in briefing documents, FEMA justifies its policy change by saying certain testing, disinfectants, and PPE constitutes ineligible increased operating reopening costs, ignoring the mitigating impact that these measures have on the spread and damage of COVID-19. Testing, disinfectants, and PPE were not part of everyday American life before this pandemic, and their use is not an increased operating cost, it a necessary part of our survival. These costs are clearly linked to our response to COVID-19 and therefore should be eligible for FEMA funding.

Most importantly, this policy change would leave many Americans to fend for themselves against this virus as we attempt to reopen the country. New restrictions on testing, PPE, and disinfectants would leave the heroes of our battle against COVID-19 – the school teachers, firefighters, and transit workers – without the supplies they need to protect themselves and their families. Changing course in the middle of our battle against COVID-19 would be dangerous and could lead to possibly disastrous outcomes.

When President Trump issued the “Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019” in early August, he created a new program using The Robert T. Stafford Disaster Relief and Emergency Assistance (Stafford) Act (42 U.S.C. 5174(e)(2)) that would provide an additional \$300 per week in federal assistance on top of state unemployment assistance. This temporary program, which states are still in the process of applying for and implementing due to its significant administrative challenges, has been termed “Lost Wages Assistance.” Through the new Lost Wages Assistance program, FEMA has already allocated over \$30 billion from the Disaster Relief Fund, bringing the balance down to under \$40 billion, and the program is set to expire as soon as the Disaster Relief Fund balance hits \$25 billion.

The news of this guidance change coming so close to the announcement of this new FEMA-funded program is especially concerning. If FEMA is attempting to stretch the funding of the Disaster Relief Fund further for use in the Lost Wages Assistance program by denying states access to the funding necessary to combat the COVID-19 pandemic, it is robbing Peter to pay Paul. We sincerely hope that is not FEMA’s intention, as that would be entirely unacceptable. Regardless of the reason, we urge FEMA to reverse this guidance and continue to fund the purchase of PPE for non-medical workers, testing, and disinfectant supplies for schools and public buildings. We need FEMA’s support in the battle against COVID-19, not to pull the rug out from under our states and localities.

Thank you for your time and attention to this matter. Should you have any questions, please do not hesitate to reach out to our staff.

Sincerely,



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Charles E. Schumer  
United States Senate

/s/Chris Van Hollen

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Chris Van Hollen  
United States Senate



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Kirsten Gillibrand  
United States Senate

/s/Jack Reed

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Jack Reed  
United States Senate



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Christopher A. Coons  
United States Senate



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Tammy Duckworth  
United States Senate



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Patty Murray  
United States Senate



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Tom Udall  
United States Senate



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Thomas R. Carper  
United States Senate



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Jeanne Shaheen  
United States Senate



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Debbie Stabenow  
United States Senate



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Benjamin L. Cardin  
United States Senate



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Richard Blumenthal  
United States Senate

**/s/Robert P. Casey Jr.**

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Robert P. Casey Jr.  
United States Senate



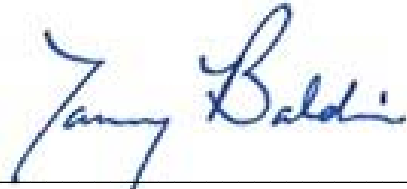
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Joe Manchin III  
United States Senate



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Bernard Sanders  
United States Senate



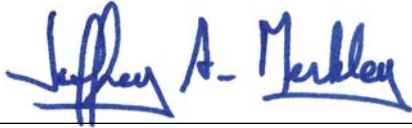
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Tammy Baldwin  
United States Senate



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Gary C. Peters  
United States Senate

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Jeffery A. Merkley  
United States Senate

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Sherrod Brown  
United States Senate

Handwritten signature of Ron Wyden in blue ink.

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Ron Wyden  
United States Senate