

Congress of the United States
Washington, DC 20515

May 22, 2020

Peter Gaynor
Administrator
Federal Emergency Management Agency
500 C St. S.W.
Washington, D.C. 20024

Dear Administrator Gaynor:

We write in strong support of the attached letter from New Mexico Governor Michelle Lujan Grisham requesting that the Federal Emergency Management Agency (FEMA) waive all cost-sharing requirements for assistance under President Trump's Major Disaster Declaration for the State of New Mexico, 4529-DR, for the state's response to the novel coronavirus (COVID-19) pandemic.

On March 13, 2020, President Trump issued a nationwide emergency declaration to provide federal resources to respond to the extreme and unprecedented magnitude of the COVID-19 disaster. In further recognition of the local impact of the effects of COVID-19 on New Mexico's public health and economy, President Trump issued a Major Disaster Declaration for the State of New Mexico on April 5, 2020.

As detailed in Governor Lujan Grisham's letter, the State of New Mexico has diverted significant resources and funding, including tens of millions of dollars of emergency funding, to mobilize a rapid and comprehensive response to the COVID-19 public health crises. As of May, the state estimated that it had expended approximately \$90 million in response and relief efforts.

As you are aware, under FEMA's Public Assistance program, emergency work is authorized at 75 percent federal funding, leaving the state responsible for the remaining 25 percent. Under the regulations promulgated pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the Stafford Act), FEMA may waive cost-sharing requirements and increase the federal cost-share to 100% for emergency work, including direct federal assistance. Maintaining this cost share during the COVID-19 pandemic – as our state's economy and health systems struggle – places severe pressure on the state's budget and limits critical resources that are desperately needed to protect the public health of our local communities.

Furthermore, on March 26, 2020, FEMA released guidance to Indian Tribes that strongly encouraged all Tribal governments to work with their respective state or states for assistance to consolidate FEMA resources and processes in order for the agency to serve as many communities as quickly and efficiently as possible. Given the unprecedented nature of this pandemic, we also ask that you increase the federal cost-share to 100 percent for all Indian Tribes in New Mexico for emergency protective measures undertaken by Tribal governments, regardless of whether they have an independent emergency declaration or fall under the State of New Mexico's declaration.

The COVID-19 pandemic is having a severe and disproportionate impact on Indian Country. Tribal nations are taking on enormous and unprecedented costs to protect the health and safety of their communities. Closure of Tribally-owned business entities to curb the spread of this virus has reduced Tribal revenues substantially, preventing Tribes from assuming a non-Federal cost-share. We therefore urge FEMA to waive this requirement so that limited Tribal resources can be fully dedicated to protecting Tribal communities' health and wellbeing and adopting measures to combat this deadly virus.

Recovering from this pandemic will require a full and coordinated approach and increasing the federal cost-share to 100 percent for the State of New Mexico and all Tribes in the state will help ensure the essential resources to save lives and to protect the public health and safety of our local communities. Accordingly, we urge you to waive all cost-share requirements for emergency work and direct federal assistance for New Mexico's COVID-19 response and relief efforts.

Thank you for your prompt attention to this important issue.

Sincerely,

Sincerely,

/s/ Tom Udall
Tom Udall
United States Senator

/s/ Martin Heinrich
Martin Heinrich
United States Senator

/s/ Ben Ray Luján
Ben Ray Luján
United States Representative

/s/ Deb Haaland
Deb Haaland
United States Representative

/s/ Xochitl Torres Small
Xochitl Torres Small
United States Representative