

United States Senate

WASHINGTON, DC 20510

September 24, 2020

The Honorable Peter Gaynor
Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, DC 20472

Dear Administrator Gaynor:

I write to express concern with the Federal Emergency Management Agency's (FEMA) recent decision to issue an interim policy on work eligible for public assistance that threatens to hamstring states' efforts to acquire masks, disinfectants, testing supplies and other personal protection equipment (PPE). Under this new policy, FEMA will only provide assistance for the "purchase and distribution of PPE that is directly related to the performance of otherwise eligible emergency work or is provided to healthcare workers, patients with confirmed or suspected COVID-19 infection, and first responders."^[1] I am concerned that limiting the eligibility for public assistance in this manner will force New Hampshire communities to choose between providing PPE, disinfectant and testing and funding other critical services.

FEMA's policy change threatens to limit New Hampshire's ability to provide these supplies to schools, courts and other critical institutions whose operations do not qualify as emergency work. States and localities are already facing budget shortfalls after months of responding to the COVID-19 pandemic. The Center on Budget and Policy Priorities recently found that states will face a cumulative \$555 billion budget shortfall over state fiscal years 2020-2022.^[2] The Manchester, New Hampshire school district alone faces over \$2.2 million in paid and encumbered expenses that the district had expected FEMA to reimburse. The district is also estimating over \$11.3 million in COVID-19-related expenditures. If the federal government cannot guarantee that the purchase and distribution of these vital resources will be reimbursed through the Public Assistance Program, then New Hampshire school districts may not be able to afford to supply PPE and other supplies when and where they are needed.

It is particularly concerning that this decision comes at a time when schools are attempting to reopen and welcome students in a safe learning environment. The federal government should be doing everything it can to support these efforts rather than making it more difficult for schools to receive the resources they need to safely reopen. Masks are now recognized as one of the most effective means of preventing the spread of COVID-19 when used appropriately and in conjunction with other safety precautions. We need to make sure that schools and other institutions can access these resources, particularly as we enter a flu season that could burden the

^[1] Federal Emergency Management Agency, FP 104-009-19, Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance (Interim) (2020).

^[2] Elizabeth McNichol & Michael Leachman, States Continue to Face Large Shortfalls Due to COVID-19 Effects 1 (Center on Budget and Policy Priorities 2020).

nation's already strained health care infrastructure and put more people at risk of severe COVID-19 health complications.

I urge you to immediately reverse this policy and make it clear to Congress any resource constraints that the Agency faces in continuing to reimburse PPE purchases and other protective measures such as disinfection and testing. I also ask that you clarify whether, under this policy change, the Department of Health and Human Services will continue to supply these resources that FEMA had previously reimbursed and, if so, what that process will entail for states seeking to secure them. Since the start of this pandemic, the federal government has struggled to provide the PPE, testing and other resources to keep our communities safe. This policy change appears to only exacerbate that problem and handicap efforts to reduce the spread of COVID-19.

Thank you for your consideration of this request, and I look forward to your prompt reply.

Sincerely,

A handwritten signature in blue ink that reads "Jeanne Shaheen". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Jeanne Shaheen
United States Senator