

Congress of the United States

Washington, DC 20515

September 28, 2022

The Honorable Chuck Schumer
Majority Leader
United States Senate

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives

The Honorable Patrick Leahy
Chair
Senate Committee on Appropriations

The Honorable Rosa DeLauro
Chair
House Committee on Appropriations

Dear Majority Leader Schumer, Speaker Pelosi, Chair Leahy, and Chair DeLauro:

We write you to ask that Congress take swift action to provide sufficient funding for Puerto Rico's Medicaid program as part of any efforts to aid Puerto Rico's response to Hurricane Fiona. This is an important step to ensure that those impacted by the hurricane will have access to the health coverage they need. We support emergency funding for disaster relief and recovery, whether in an emergency supplemental or in another funding vehicle, and we ask that assistance to Puerto Rico's Medicaid program be a key part of that funding.

Almost exactly five years after Hurricane Maria devastated the island, Hurricane Fiona has caused major damage to Puerto Rico, knocking out power to the entire island. Approximately 50% of the island's electrical grid infrastructure sustained damage.¹ Amid this significant damage, Puerto Rico's health system has received a severe blow. A significant number of Puerto Rico's hospitals still lacked power days after the hurricane,² and some needed to transfer their patients to other hospitals.³ It is more imperative than ever that the residents of Puerto Rico are assured continued access to Medicaid coverage and services.

Any new barriers to Puerto Ricans receiving medical assistance exacerbate an already unstable situation stemming from years of economic downturn, the COVID-19 pandemic, natural disasters, and a painful debt-restructuring process that continues to leave the island with tens of billions of dollars of debt.⁴ Moreover, federal Medicaid policy has historically discriminated against Puerto Rico. Federal law had subjected Puerto Rico's Medicaid program to unfairly low arbitrary caps on annual funding as compared to states and the District of Columbia.⁵ Its current temporary increase to the Federal Medical Assistance Percentage (FMAP) is set to revert back to 55%, down from its current rate of 76%, in December,⁶ creating uncertainty for Puerto Rico. At

¹ LUMA, "LUMA Provides Power Restoration Estimates Following Hurricane Fiona," September 26, 2022.

² New York Times, "Puerto Ricans Fear Extended Blackout After Hurricane Fiona," Laura N. Pérez Sánchez, September 24, 2022, <https://www.nytimes.com/2022/09/24/us/puerto-rico-power-outages.html>.

³ Latino Rebels, "Hurricane Fiona Batters Puerto Rico Still Recovering 5 Years After Maria," Carlos Edill Berrios Polanco, September 19, 2022, <https://www.latinorebels.com/2022/09/19/fionamariapuertorico/>.

⁴ Fiscal Oversight & Management Board, "Puerto Rico's Debt Restructuring Process," <https://oversightboard.pr.gov/debt/>.

⁵ 42 U.S.C. § 1308, Section 1108 of the Social Security Act.

⁶ 42 U.S.C. 1396d(ff)(2), Section 1905(ff)(2) of the Social Security Act; Consolidated Appropriations Act, 2022, Pub. Law 117-103, Title II, Section 201.

the very least, Congress should again temporarily increase the FMAP to 100%, to provide medium-term predictability for Puerto Rico and to reduce fiscal pressures that will undoubtedly be worsened by Hurricane Fiona's fallout. In the longer term, Congress must act to increase Puerto Rico's FMAP permanently—a step necessary to enabling Puerto Rico's Medicaid program to plan coverage for services like long-term care. Last year, the House of Representatives passed the Build Back Better Act, which included important provisions to strengthen Puerto Rico's Medicaid program, including a permanent increase to the fixed allotments to the program, planned increases in those allotments, and a permanent increase in Puerto Rico's FMAP.⁷ Those provisions include steps that are now urgent.

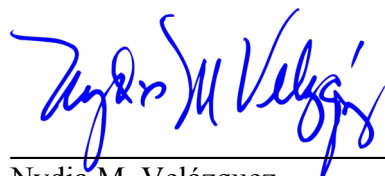
Even as the full magnitude of Hurricane Fiona's damage to Puerto Rico remains to be seen, it is evident that the island will need federal support to recover and rebuild. There is ample precedent for Congress to take emergency action to provide funding in the wake of a disaster, as it did in 2017 after Hurricanes Harvey, Irma, and Maria.⁸ We urge you to ensure that Congress responds swiftly to Puerto Rico's new need posed by Hurricane Fiona, whether in an emergency supplemental or in another funding vehicle, and we ask that assistance to Puerto Rico's Medicaid program be a key part of that funding.

Thank you for your consideration.

Sincerely,



Elizabeth Warren
United States Senator



Nydia M. Velázquez
Member of Congress



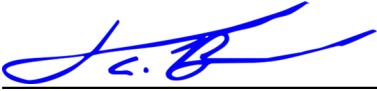
Bernard Sanders
United States Senator



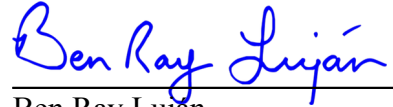
Robert Menendez
United States Senator

⁷ Section 30731 of the Build Back Better Act (text of the bill, Congressional Record, daily edition, vol. 167, no. 201 (November 18, 2021), pp. H6375–H6576, <https://www.congress.gov/congressional-record/volume-167/issue-201/house-section/article/H6375-4>).

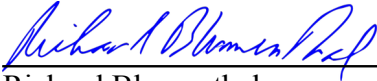
⁸ Pub. Law 115–56.



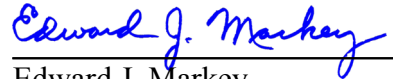
Cory A. Booker
United States Senator



Ben Ray Lujan
United States Senator



Richard Blumenthal
United States Senator



Edward J. Markey
United States Senator



Mazie K. Hirono
United States Senator



Kirsten Gillibrand
United States Senator



Martin Heinrich
United States Senator



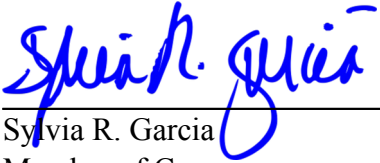
Dianne Feinstein
United States Senator



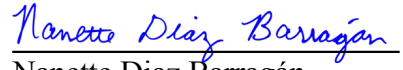
Adriano Espaillat
Member of Congress



Gwen S. Moore
Member of Congress



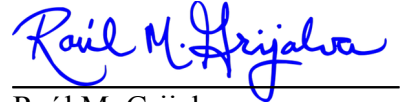
Sylvia R. Garcia
Member of Congress



Nanette Diaz Barragan
Member of Congress



Grace Meng
Member of Congress



Raúl M. Grijalva
Member of Congress
Chair, Committee on Natural
Resources



Darren Soto
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Alexandria Ocasio-Cortez
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