

Congress of the United States
Washington, DC 20510

April 22, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump:

We thank you again for approving the Commonwealth of Massachusetts’s request for a major disaster declaration due to the ongoing coronavirus disease 2019 (COVID-19) pandemic.¹ Thank you, as well, for your COVID-19–related emergency declarations for each of the two federally recognized tribal nations in Massachusetts: the Wampanoag Tribe of Gay Head (Aquinnah),² and the Mashpee Wampanoag Tribe.³ As we have noted in a previous letter to you,⁴ the response to the pandemic is unlike anything the Commonwealth or our nation has experienced in modern times, and the need for additional resources to combat this crisis grows with each passing day. These needs are also felt acutely by the two federally recognized tribal nations in Massachusetts, which are being stretched extremely thin in order to provide crucial services to their citizens. Given the challenges that COVID-19 and its fallout are creating for the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribe, we ask you to direct the Federal Emergency Management Agency (FEMA) to waive the traditional cost share requirements for all COVID-19–related assistance.

In early April, both Chairman Cedric Cromwell of the Mashpee Wampanoag Tribe and Chairwoman Cheryl Andrews-Maltais of the Wampanoag Tribe of Gay Head (Aquinnah) wrote to you, on behalf of their tribal nations, to request waivers from any cost share and to request that FEMA increase its federal cost share to 100%. Unlike states, tribal nations do not have a tax base to help cover the cost of services to their citizens. As Chairwoman Andrews-Maltais mentioned in her letter to you, “Our Tribe relies exclusively upon our annual federal funding and a few grants to offer the direct services we provide.”⁵ Chairman Cromwell made a similar point, noting

¹ Federal Emergency Management Agency, “Massachusetts Covid-19 Pandemic (DR-4496),” March 27, 2020, <https://www.fema.gov/disaster/4496>.

² Federal Emergency Management Agency, “Massachusetts Wampanoag Tribe of Gay Head (Aquinnah) (EM-3497),” March 13, 2020, <https://www.fema.gov/disaster/3497>.

³ Federal Emergency Management Agency, “Mashpee Wampanoag Tribe Covid-19 (EM-3484),” March 13, 2020, <https://www.fema.gov/disaster/3484>.

⁴ Letter from Senator Elizabeth Warren and the Massachusetts congressional delegation to President Donald Trump, April 17, 2020, <https://www.warren.senate.gov/imo/media/doc/2020.04.17%20Letter%20to%20Trump%20re%20FEMA%20Cost%20Match%20Waiver.pdf>.

⁵ Letter from Chairwoman Cheryl Andrews-Maltais to President Trump, April 6, 2020.

that the emergency costs will create “an untenable situation, and is currently causing our Tribe to forego desperately-needed requests for resources.”⁶

As a result, unforeseen expenses like those associated with an emergency of this magnitude impose a significant financial hardship on tribal nations, which could in turn preclude their implementing emergency measures as fully as they would if they had more resources available. It is in everyone’s best interest—the tribal nations, their citizens, their neighbors, emergency personnel at all levels of government, and the Commonwealth of Massachusetts—that the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribe be given as much flexibility as possible to pursue their emergency response. A 100% federal cost share for the two tribal nations will help accomplish that. As the National Congress of American Indians (NCAI) and a coalition of other organizations noted in a letter to you, the non-federal cost share has “prevented many tribal nations from taking essential actions such as ordering lifesaving supplies, hiring emergency management personnel, and reaching out to FEMA for assistance.”⁷

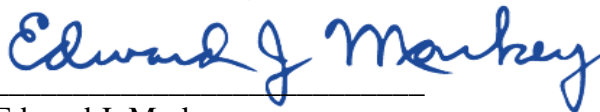
In addition, the federal government has trust and treaty obligations to tribal nations, including the federally recognized tribal nations in Massachusetts. NCAI and the coalition wrote: “The match requirement is inconsistent with the federal government’s obligations to tribal nations and their citizens.”⁸ We agree. The federal government ought to provide COVID-19–related assistance while allowing for the tribal nations to endure as little hardship as possible.

Under the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*,⁹ you have the discretionary authority to adjust the cost share. At this time, it is important that every level of government be able to marshal all its resources and capabilities in order to address this pandemic. Granting the requests of the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribe, and waiving the traditional cost share requirements for all COVID-19–related assistance to them, will better empower them to address this pandemic. We urge you to do so and thank you for your consideration.

Sincerely,



Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator

⁶ Letter from Chairman Cedric Cromwell to President Donald Trump, April 1, 2020.

⁷ Letter from National Congress of American Indians et al. to President Trump, April 20, 2020, <https://www.usetinc.org/wp-content/uploads/2020/04/4-20-2020-Tribal-Letter-to-the-White-House-re-100-waiver-of-FEMA-cost-and-reimbursement-adjustment-FINAL.pdf>.

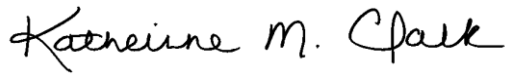
⁸ *Id.*

⁹ 42 U.S.C. §§ 5121–5207



Stephen F. Lynch
Member of Congress

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Member of Congress



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Cc:

The Honorable Peter T. Gaynor, FEMA Administrator

Captain W. Russell "Russ" Webster, USCG (Ret.), FEMA Region 1 Regional Administrator