

United States Senate

April 30, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, DC 20510

Dear Leader McConnell and Leader Schumer:

As our nation responds the coronavirus pandemic (COVID-19), Congressional action is needed to ensure first responders maintain their ability to keep our communities safe during these uncertain and stressful times. For that reason, we write to request that any subsequent legislation to address the pandemic include provisions outlined in this letter that would lessen the burden of federal grant compliance on our first responders.

Federal grants that support state and local public safety officers can include a variety of eligibility requirements. For example, matching or cost-sharing requirements ask the recipient to contribute cash, services, or facilities to match a percentage of the federal government's contribution. Grants may also have minimum budget or maintenance-of-effort provisions that specify the level of spending a grant recipient must maintain in a certain program area to receive federal funds. Similarly, non-supplanting provisions require federal funds only supplement, rather than replace, non-federal funds for the grant purpose. These federal cost-saving requirements usually make sense in normal circumstances; however, these are not normal times.

Across the country, COVID-19 is having a major financial impact on families, businesses, cities and states. America's heroes are no exception. Revenue shortfalls within local governments and unexpected costs are forcing public safety officials to reassess their budgets to ensure they can afford necessities like equipment, training, salaries, and overtime expenses. To that end, firefighters and law enforcement officers in Nevada have reached out to express concern that compliance requirements associated with various federal grants will soon be too costly and burdensome. Without changes, they will be unable to meet requirements stipulated in their grants, and as a result, they may be unable to access the federal funding they have been awarded. This is not just an issue in Nevada—there is no doubt these issues are affecting first responders across the country. If left unaddressed, public safety funding would be strained at a time of extraordinary need our communities.

In light of the economic downturn adversely affecting budgets and associated costs of pandemic response, we request that Congress include the following modifications to federal grant programs that support public safety officers.

First, for federal grants that support public safety officers, allow states and local governments to spend new or increased funding approved by Congress on cost-matching requirements. In most circumstances, federal funds cannot be applied to matching or cost-sharing requirements of other federal programs.¹ The economic impact of the coronavirus and the need to ensure our essential personnel continue their emergency responses related to COVID-19 warrant an exception to this rule.

Second, any subsequent legislation to address the coronavirus should require grant administrators for programs supporting first responders across the Department of Justice (DOJ) and Department of Homeland Security (DHS) to review and modify, if necessary, the economic hardship waivers they have already established. Currently, while some agencies provide federal grant recipients with financial relief by offering to waive compliance with certain provisions of the grant, those waivers do not necessarily account for the rapid and unforeseen economic costs of the coronavirus pandemic. For example, some grantees must file for an economic hardship waiver when submitting their initial application and cannot retroactively apply it to a previously awarded grant. In that case, grant recipients with financial circumstances that have changed since they submitted their application would not be eligible for a waiver. Additionally, proving economic hardship often requires submitting evidence that the financial constraints have been present and consistent over several years.² Many of these limitations may no longer be appropriate and, to the greatest extent possible, agencies need to amend their waiver opportunities to ensure they account for economic hardship caused by the coronavirus pandemic.

By implementing the changes outlined above, Congress can build on measures the administration is already taking to provide flexibility for grants in the wake of the coronavirus. On March 19, 2020, the Office of Management and Budget (OMB) issued a memorandum on grants to federal agencies in response to the crisis.³ The memorandum approves administrative actions, such as extending application deadlines and extension of reporting deadlines. There are also changes in this memorandum which would allow agencies to extend financial flexibilities, such as “Allowability of Costs not Normally Chargeable to Awards,” and “Allowability of salaries and other project activities.” It is encouraging to see the administration working to provide flexibility to federal grant recipients. Importantly though, the exceptions outlined by OMB are limited and will be reassessed on June 17, 2020. Congress needs to pass legislation to establish consistent, long-term flexibility for first responders fulfilling federal grant requirements.

With increasing costs due to the COVID-19 crisis demanding more of state and local budgets, public safety departments across the country are facing an overwhelming workload and insufficient funding. Implementing these changes will allow first responders to continue

¹ 2 CFR § 200.306 (b)(5), [Rules governing federal grants](#).

² FEMA Grants Programs Directorate Information Bulletin, Economic Hardship Waivers for Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (Dec. 28, 2016). Available at, https://www.fema.gov/media-library-data/1528143360953a13a11086ac183f2016cf66c8f365ff3/Econ_Hard_Waiver_SAFER_IB_413_Final_12_28_16_508_LOC_KED.pdf


³ OMB memorandum, [Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus \(COVID-19\) due to Loss of Operations](#).

accessing critical resources so they can focus on their vital role of protecting Americans from the coronavirus pandemic and keeping their communities safe.

Sincerely,



Catherine Cortez Masto
United States Senator



Jacky Rosen
United States Senator