

STACEY PLASKETT

U.S. VIRGIN ISLANDS

331 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-1790
FAX: (202) 225-5517

PLASKETT.HOUSE.GOV



Congress of the United States
House of Representatives
Washington, DC 20515

December 10, 2018

COMMITTEE ON AGRICULTURE
SUBCOMMITTEE ON COMMODITY EXCHANGES,
ENERGY, AND CREDIT
SUBCOMMITTEE ON GENERAL FARM COMMODITIES
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SUBCOMMITTEE ON HEALTH CARE, BENEFITS,
AND ADMINISTRATIVE RULES
STEERING AND POLICY COMMITTEE
REGIONAL WHIP

The Honorable Brock Long
Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, DC 20472

Dear Administrator Long:

I received your December 5th letter denying Governor Kenneth E. Mapp's request for an extension of 100 percent federal cost share for the Sheltering and Temporary Essential Power program through November 30th, and for U.S. Army Corps Mission Assignments through completion. I strongly disagree with your decision, and write to urgently request that you reconsider.

As Administrator of the Federal Emergency Management Agency (FEMA), outside of general waiver authority, you have *statutory* authority under the Insular Areas Act¹ (IAA or the Act) to waive local matching requirements for all disaster funding to the U.S. Virgin Islands. I have reminded you of this authority numerous times in the course of the last year. We discussed this during the March 15, 2018 hearing of the Committee on Homeland Security. I followed up in writing on March 23rd, formally requesting 100 percent federal cost share for disaster aid, including Public Assistance Program emergency work (Categories A and B) and permanent infrastructure repair (Categories C through G), again citing your authority under IAA to "waive any requirements for matching funds otherwise required by law" in the case of the U.S. Virgin Islands. Grants in aid for the recovery and rebuilding of the Virgin Islands after a hurricane was the exact type of aid application that the Act anticipated.

On July 18, 2018, before the Committee on Transportation and Infrastructure, I asked Associate Administrator Byard whether FEMA would extend 100 percent federal cost share for emergency work, noting that delays in work completion were out of the control of the government of the Virgin Islands. And finally last week, November 29, 2018, before the Committee on Oversight and Government Reform, I again asked that you consider waiving non-federal cost share on FEMA Public Assistance and cited your clear legal authority to do so under IAA.

¹ 48 U.S.C. § 1469a

While I understand, as you have stated, the importance of jurisdictions to have “skin in the game” and to be responsible and focused in the use of federal funding, the purpose of the Insular Areas Act waiver provision is the recognition that, in extraordinary or exigent circumstances (such as two category-5 hurricanes in a two-week time frame), the territories will need additional support from the federal government to meet cost share and other requirements on federal aid. The IAA provision is an acknowledgement of the federal governments’ regular underfunding of the territories in numerous areas and placement of arbitrary caps on their access to federal programs. To date, the Virgin Islands has received roughly \$2 billion dollars less than the \$7.5 billion in aid that was requested one year ago.

Congress has recognized the argument made by myself and my colleagues that the underfunding by the federal government over multiple years was a nexus in the level of damage sustained by the hurricanes, and has made the decision to address this by amending the Stafford Act to allow the territories to rebuild critical infrastructure more resilient than pre-disaster conditions. This additional funding for hardening of critical infrastructure systems will benefit the territories’ economies and is a matter of fiscal responsibility on the part of the federal government. Your decision to deny a waiver for the cost share diminishes our ability to fully realize that goal; thus, potentially imperiling us in the event of future natural disasters and thwarting our strategic rebuilding goals.

I strongly urge you to reconsider your refusal to exercise clear statutory discretion to waive non-federal cost share requirements on both emergency work and permanent infrastructure repair – without which the government of the Virgin Islands will be forced to spend millions that it does not have, and to divert precious funds that it desperately needs for community development and the rebuilding of critical infrastructure.

I have been grateful for your willingness to listen and amend plans in the past, and your ability to think outside the box for the current unique circumstances of the Virgin Islands. In this instance, I am asking for your consideration of clear statutory authority that you have within your toolbox.

Thank you for your consideration.

Sincerely,



Stacey E. Plaskett
Member of Congress