



KATE BROWN
Governor

March 11, 2020

The Honorable Mike Pence
Vice President of the United States
The White House
Washington, D.C. 20501

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, D.C. 20515

Dear Vice President Pence, Leader McConnell, Speaker Pelosi, Leaders Schumer and McCarthy:

I write to outline the urgent resources and actions needed to ensure the health, safety, and stability of Oregonians as the COVID-19 pandemic evolves. I appreciate your quick action last week to pass an initial emergency supplemental funding bill that enables states to receive urgently needed resources to respond to COVID-19. At the state level, I am pulling all of the levers of government to prepare for the new realities ahead. However, the situation on the ground continues to change, and we are facing shortages and policy barriers that need to be addressed.

Currently, Oregon has 19 positive cases of COVID-19 across nine counties and an additional 220 persons under monitoring. Over the weekend, I issued a State of Emergency in Oregon to allow the Oregon Health Authority (OHA) to activate reserves of emergency volunteer health care professionals to assist local health authorities identify and contain new cases of COVID-19 in Oregon. The declaration also grants broad authority to the State Public Health Director, Oregon Health Authority, and the Office of Emergency Management to take immediate action and devote all available state resources towards containing the coronavirus in Oregon. The State of Emergency will remain in effect for 60 days, but can be extended until the public health threat of the coronavirus is contained. Similarly, I am asking the federal government to consider taking any actions that are necessary to make sure the national response to this evolving public health threat continues unimpeded. State agencies are in ongoing conversations with FEMA about what funds are available to aid in Oregon's response efforts, and exploring what declarations may be needed at a federal level.

We are already starting to see the ways that Americans lives will undoubtedly be disrupted as this disease spreads. The federal government and states must work together and take decisive action to blunt the impacts to people's lives and livelihoods. As you consider an economic relief package and administrative remedies related to COVID-19, I want to highlight the following federal actions and resources that are critically necessary for the health and wellbeing of Oregon families, businesses, workers and health care staff:

Top Priorities

1. **Expediently Send the Requested Personal Protective Equipment (PPE):** On March 3, I sent a letter to Vice President Pence requesting PPE supplies from the strategic national stockpile. We urgently need the following PPE resources: 600,000 surgical or procedural masks, 400,000 N-95 respirators, gowns and gloves, face shields or goggles, Tyvek suits, Biocell Ambulance Protection Systems (Biocell-APS), and 75-100 ventilators. To date, we have received none of the requested PPE. I understand that the HHS Office of the Assistant Secretary for Preparedness and Response (ASPR) is evaluating my request, and I ask that you move expeditiously to grant this request. We are concerned that as this outbreak intensifies, we will run out of this important PPE.
2. **Provide Laboratory Testing Equipment:** On March 10, 2020, the Oregon State Public Health Laboratory submitted its second request to the CDC for additional testing kits. Our first request was received on March 10, 2020. We ask that you expedite approval and shipment of our second request. The Oregon State Public Health Laboratory needs the following supplies: 96 boxes of collection swabs, 96 boxes of transport media, 27 boxes of extraction kits, 15 boxes of TaqPath Master Mix to support COVID-19 testing for Oregonians.
3. **Provide Additional Flexible Federal Funding for States:** States are on the frontlines of both the public health response to COVID-19 and the economic response, providing lifelines to our citizens to keep a roof over their heads, food on the table, and money to pay bills when they may have to take time off to care for a sick loved one or when their employer scales back their hours due to a slowdown. As such, it will be imperative to provide additional flexible funding to states to ensure economic stability, including rental assistance, Housing Choice and VASH vouchers, the Social Services Block Grant, and the Community Services Block Grant, among other state-administered programs.
4. **Expediently Distribute Recent Federal Funding:** Of the \$8.3 billion package passed last week to respond to COVID-19, Oregon is expecting to receive \$7.8 million in formula and emergency CDC grant funding. It is critical that states receive this funding expeditiously as we work to combat and contain the spread of novel coronavirus.
5. **Ensure Access to Meals for Students and Families:** I understand that USDA is granting waivers to states to provide meals in the event of school closures. As of today, we have had only temporary school closures, however, Oregon's Department of Education anticipates requesting a waiver in the event of additional school closures, and I ask USDA to move to grant it expeditiously. Additionally, should a presidential disaster be declared, school districts, if closed due to COVID-19, can distribute commodity food to local food banks for distribution. This is an important tool to ensure that low-income students and their families who qualified for Free or Reduced Price Meals do not go hungry when schools close.
6. **Provide Flexibility in Administering Social and Health Services:** I request flexibility from the federal government in the administration of a range of social and health service programs, including Temporary Assistance for Needy Families (TANF), Women, Infants, and Children (WIC), the Supplemental Nutrition Assistance Program (SNAP), and Free and Reduced Price School Meals. I ask the Administration to provide as much flexibility as possible as we seek to meet the needs of families and communities during the rapidly evolving COVID-19 response.

7. **Permit Flexibility for State Unemployment Insurance Programs:** To permit people who are isolated or quarantined to receive unemployment insurance (UI) benefits, Oregon would need increased flexibility from the U.S. Department of Labor. This is particularly true around determining who is considered to be “available” for work and eligible to receive UI benefits. I ask the U.S. Department of Labor to waive the requirements and provide states with very broad latitude, either through administrative guidance or potentially a federal statutory change.
8. **Ensure Funding for Economic Recovery:** In the event that the State of Oregon takes executive action to ensure the health and safety of Oregonians to prevent further exposure to COVID-19, any economic recovery costs associated, either directly or indirectly, should be federally reimbursable.

Health & Safety

9. **Approve Use of Federal Funding for Healthcare Staffing Shortages:** We anticipate healthcare staffing shortages will be an issue as providers face absences due to COVID-19. Unfortunately, we have heard that Medicaid funding cannot be used for this purpose. We request the Administration provide flexibility to use some source of federal funding — whether Medicaid, CDC transfer funds, or the emergency supplemental funding — to address staffing shortages as they arise in Oregon.
10. **Expedite Medicaid Amendment Approval:** The Oregon Health Authority is submitting a temporary amendment to the Oregon State Medicaid plan (SPA) to address concerns from the COVID-19 outbreak. Oregon is asking for immediate approval to the submitted state plan amendment. The amendment requests approval for telehealth originating sites to include the members home, day treatment program, or alternate location in which the Medicaid beneficiary is physically present, and telemedicine can be effectively utilized. Additionally, Oregon is requesting to waive the requirement to have audio with simultaneous video and through a HIPAA appropriate platform when providing telephone services. Oregon is also requesting to waive the requirement that ensures providers are licensed in the state, allowing appropriate licensed health care providers who are in good standing with their licensing state to provide telemedicine services to eligible Oregonians.
11. **Enhance FMAP for Coronavirus Response:** OHA anticipates there could be a significant increase in costs to the Medicaid program if there is a broader spread of COVID-19 cases and requests an enhanced FMAP rate for the non-ACA population to help address those additional costs. Examples of potential cost drivers include higher rates of hospitalization and higher rates of high-cost services to treat COVID-19 cases in hospitals and residential facilities; higher demand for telehealth services; increased and early prescription fills; enhanced payments for patients discharged from a hospital to a nursing facility; suspension of limits on masks, gloves and other protective supplies for personal care workers and increased Medicaid enrollment for individuals who become ill and are unable to work.
12. **Include Testing and Immunizations for COVID-19 as Part of “Preventive Health Services”:** I request that HHS include testing and immunizations for COVID-19 as part of the “preventive health services” that all health plans must cover without cost sharing under Section 2713 of the Affordable Care Act. We were extremely pleased to receive guidance from the IRS clarifying this issue for high deductible health plans (HDHPs), but we believe that broader action is needed in

this area. Adding COVID-19 testing and immunization services to the list of ACA preventive health services now will effectively expand the agreement reached in Oregon to all fully-insured health plans nationwide and will also apply to self-funded employer plans that are outside the scope of state insurance regulation. I also urge you to consider quarantine due to presumptive exposure to COVID-19 as an exceptional circumstance under the ACA. This would allow individuals who had a qualifying life event but were unable to enroll during a special enrollment period because of presumptive exposure to COVID-19 the opportunity to sign up for a health plan and access subsidies for which they may be eligible.

13. **Ensure Coverage for Testing, Vaccinations, and Care for Medicare Beneficiaries:** I urge you to make similar allowances to ensure that Medicare beneficiaries, including individuals enrolled in Medicare Advantage plans, may similarly have testing, vaccinations, and related treatments for COVID-19 covered in full. Ensuring comprehensive coverage in these plans is especially important because the preliminary evidence seems to suggest that older Americans will be especially vulnerable to the virus.
14. **Revise Medicare Part B Claims Submission Date:** I am pleased that Medicare Part B will cover costs associated with a COVID-19 tests taken on or after Feb. 4, 2020. However, providers are currently being instructed to wait until after April 1, 2020, to submit a claim for this test. Please consider revising this claims submission date to an earlier time in order to relieve potential administrative or operational burdens on providers caring for a high risk COVID-19 population.

Employment & Workforce

15. **Remove Federal Barriers to Disaster Unemployment Assistance:** I ask the Administration to either use existing flexibility or to work with Congress on a statutory change so that disaster unemployment assistance (DUA) can be applied to pandemics in the same manner as for natural disasters should a federal emergency be declared. This will enable more Americans have access to Unemployment Insurance (UI) without some of the standard eligibility requirements. Additionally, as schools and child-care facilities experience closures, educators, custodians, bus drivers, food service staff, and many others will be out of work and without pay. This will create a tremendous hardship on low wage workers. Access to DUA will enable more educators and child care workers to have access to Unemployment Insurance (UI) without some of the standard eligibility requirements
16. **Increase Unemployment Insurance (UI) Administrative Grant Funding:** Like most states, Oregon's federal funding is insufficient to administer its UI program under current economic conditions. Given the economic impacts possible with spread of the COVID-19 virus, we anticipate an increase in UI claimants, and in addition, state workforce agency staff may fall ill, leaving fewer staff to handle more claimants during this period. I urge Congress to make available emergency supplemental funding to meet state needs to administer UI programs if needed.
17. **Pass a National Paid Sick Leave Law:** Oregon has a generous paid sick leave law. However, the residents of many states don't have access to paid sick leave. All workers need adequate sick leave during a public health emergency to ensure that they are not showing up to work ill.
18. **Fully Fund the National Dislocated Worker Reserve Fund:** I ask Congress to provide robust funding for the National Dislocated Worker Reserve Fund. That will ensure the U.S. Department of Labor has sufficient resources to respond should the pandemic lead to large worker

dislocations across the nation, and it will ensure those workers have access to the income support and re-employment services they need.

19. **Extend Trade Adjustment Assistance:** I ask that the Administration work with Congress to amend the Trade Adjustment Assistance (TAA) statute so that workers who have been adversely affected by the closure of foreign export markets due to the COVID-19 outbreak may be certified for trade adjustment assistance ensuring our workers have access to the income support and training they need.
20. **Increase Funding for American Job Centers and the Public Labor Exchange (Wagner-Peyser):** Like most states, Oregon must use state funds to supplement insufficient federal funds to administer our 38 WorkSource Oregon centers across the state. Local officials, businesses, job seekers, and local economies depend on the services provided by these centers. Given the economic impacts possible with the spread of the COVID-19 virus, we anticipate an increase in the need for regionally-based employment services after the outbreak is over.

Children & Families

21. **Remove Federal Barriers to TANF Assistance:** I ask the HHS ACF to waive the Temporary Assistance for Needy Families (TANF) participation requirements, either on a local or statewide basis, to ensure sufficient access to cash assistance for families and communities in states that are hard hit by COVID-19, such as Oregon.
22. **Remove Barriers to Basic Food Assistance:** I ask the Food and Nutrition Service (FNS) to waive requirements for face-to-face interviews in certain circumstances, to ensure we can continue to provide basic food assistance to needy families during the COVID-19 outbreak.
23. **Provide Flexibility to States in Delivering Basic Food Assistance:** Because stockpiling food is exceptionally challenging for households that already struggle to put food on the table, I ask USDA to give states affected by COVID-19 the flexibility to provide an additional month's worth of food benefits for SNAP households, so they can afford to stock basic food staples during a declaration of emergency.
24. **Assist Families and Individuals Facing Immediate Hardship:** As this public health situation and resulting economic dislocation unfolds, states will need resources to provide basic income assistance and emergency aid to families and individuals facing real economic hardship, which may be brought on by a rapidly deteriorating employment situation, closed businesses due to COVID-19 transmission, closed schools that keep parents from jobs, or lost jobs or income due to illness or a need to self-quarantine. Congress should look at creating an Emergency Fund, modeled after a successful program in the Recovery Act, to provide flexible resources for states to tailor programs that prevent children from facing eviction and other immediate hardships.
25. **Pass a Broad Economic Stimulus:** To reduce the risk of a severe recession, Congress should consider rebate checks to individuals as an early-stage response, similar to what was done in 2008.
26. **Provide Flexibility in Requests for Visas for Home Health Workers from Outside the U.S.:** I request that the Department of Education allow the over-expenditure of Vocational Rehabilitation grants by Oregon due to COVID-19 response without incurring a Maintenance of Effort (MOE) penalty.

27. **Allow Oregon to Carry Over Unspent Grant Funding:** I request that the Department of Education allow the Office of Special Education and Rehabilitation Services (OSERS) to carry unspent grant funds into the next year to provide flexibility in responding to COVID-19.
28. **Provide a Waiver for Able Bodied Adult Without Dependents (ABAWD) Work Requirements:** I request that FNS provide a temporary statewide waiver for ABAWD work requirements in states that are already hard-hit by COVID-19 or have health indicators that suggest the imminent spread of COVID-19, such as a Governor-declared state of emergency.

Education & Early Learning

29. **Cover School Day Recovery and Labor Force Maintenance Costs:** I ask the Department of Education to consider covering the cost of making-up school days to ensure student learning after the COVID-19 outbreak has subsided. This also anticipates provisions for the absence of permanent staff related to COVID-19-related illness. Additionally, I ask the DoED to provide additional funding to cover increased costs associated with hiring substitute teachers and other school personnel. Additional Congressional appropriations for this may be necessary.
30. **Cover Additional School Nurses:** I request that the DoED provide additional funding to cover the additional costs for higher levels of staffing of school nurses. This is to address health concerns of all students and also increased needs of students with a 504 plan or with IEPs who require nursing services. Additional Congressional appropriations may be necessary.
31. **One-Time School Cleaning Costs:** I request that the DoED provide additional funding to cover the costs incurred by schools that have closed due to the spread of the virus. These funds would cover the cost of deep cleaning of schools should it be forced to close due to circumstances that may suggest there is a risk of contamination for returning students. While this would only be a short-term solution, it does provide for reassurance to students, parents, and staff that extra precautions have been taken. This combined with additional ongoing cleaning (see next cost driver), would reduce the overall risk. Additional Congressional appropriations for this may be necessary.
32. **On-Line Learning Options:** I ask the DoED to provide additional funding to cover costs associated with providing online learning options to students. These costs include hardware, software and internet services. Currently, many Oregon LEAs do not have the capability to provide on-line learning options to all students. Additional Congressional appropriations for this may be necessary.
33. **Provide guidance for Delivery of Education and Services to Students with Individualized Education Plans or ADA 504 Plans:** Students with underlying health conditions may not come to school during a COVID-19 outbreak. I request that the DoED provide guidance to states about delivery of instruction and services for students that are not onsite.
34. **Provide flexibility for certain requirements of the Every Students Succeeds Act (ESSA) and Provisions of State ESSA Plans:** I ask that the DoED ensure that attendance is not required as an accountability measure for schools and districts impacted by COVID-19 absences or school closures. I further request that the DoED ensure that assessment participation is not required as an accountability measure for schools and districts impacted by COVID-19 absences or school closures.

35. **Provide Flexibility for Grant Timelines and Extensions:** I encourage DoED grant administrators to also allow the greatest possible flexibility for the expenditure of federal grant funds so that grant programs are responsive to both SEA and LEA needs arising from COVID-19. I furthermore encourage grant administrators to grant timeline extensions for expenditure of federal grants. I believe that with social isolation measures and potential school closures it will become increasingly difficult to expend certain federal grant funds, such as for afterschool programs.
36. **Emergency Child Care for First Responders:** In the event of community- or state-wide school and child care closures, I ask that HHS provide flexibility in Child Care Development Block Grant (CCDBG) licensing requirements to allow temporary child care facilities to operate specifically to support first responders (doctors, nurses, hospital janitorial staff, lab technicians, etc.) in continuing to serve their community. I further request HHS to provide funding to support the implementation of emergency child care facilities and the purchase of equipment and supplies.
37. **Support Child Care Business Resiliency:** I request HHS provide flexible funding to support child care providers in the event of closure due to COVID-19 to prevent the collapse of the overall child care business, further depleting the supply of affordable child care in the state. Child care providers are often operating within a small margin of profit and are easily susceptible to overall business collapse with a disruption in services. Additional Congressional appropriations for this may be necessary.
38. **Head Start Service Hours Flexibility:** I encourage DHHS to offer flexibility in meeting required service hours to Head Start and Early Head Start programs who experience closures due to COVID-19.

Thank you for your prompt attention to these requests.

Sincerely,



Governor Kate Brown

CC: Senator Ron Wyden
Senator Jeff Merkley
Representative Suzanne Bonamici
Representative Greg Walden
Representative Earl Blumenauer
Representative Peter DeFazio
Representative Kurt Schrader