

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<https://oversight.house.gov>

February 24, 2021

The Honorable Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairwoman Maloney:

The Committee on Oversight and Reform must examine the link between New York Governor Andrew Cuomo's March 25, 2020, "must-admit" order and nursing home fatalities, the extent of his cover-up, and if any crimes were committed in the process. The Committee must hear the truth, under oath, directly from Governor Cuomo.

On February 11, 2021, a top aide to Governor Cuomo, Melissa DeRosa, told New York Senate Democrats that the Cuomo Administration intentionally "froze" the state's nursing home death toll out of fear the truth would be "used against [the Cuomo Administration]" by the U.S. Department of Justice.<sup>1</sup> Given this admission that Governor Cuomo and his Administration engaged in a cover-up affecting those most vulnerable to COVID-19, we request that you immediately notice a full committee hearing with Governor Cuomo as the sole witness. Additionally, we formally request a thorough investigation by the Oversight Committee. We owe it to the thousands of families who lost loved ones because of Governor Cuomo's alleged recklessness.

At least two of your Democratic colleagues in the New York congressional delegation—including one on our Committee—agree that Governor Cuomo's decision-making should be investigated. Representative Antonio Delgado said, "[Melissa DeRosa]'s remarks are beyond troubling and warrant a full investigation. [New Yorkers] deserve answers and accountability."<sup>2</sup> Representative Alexandria Ocasio-Cortez said, "I...stand with our local officials calling for a full investigation of the Cuomo Administration's handling of nursing homes during COVID-19. [Melissa DeRosa]'s remarks warrant a full investigation."<sup>3</sup> Both Representatives Delgado and

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<sup>1</sup> Shannon young & Anna Gronewold, *Coverup claims engulf Cuomo as scandal over nursing home deaths grows*, POLITICO (Feb. 12, 2021), <https://www.politico.com/states/new-york/albany/story/2021/02/12/coverup-claims-engulf-cuomo-as-scandal-over-nursing-home-deaths-grows-1363353>.

<sup>2</sup> Antonio Delgado (@DelgadoforNY19), Twitter (Feb. 14, 2021 10:55 a.m.), <https://twitter.com/DelgadoforNY19/status/1360980993457463299>.

<sup>3</sup> Katie Glueck (@katieglueck), Twitter (Feb. 19, 2021 01:49 p.m.), <https://twitter.com/katieglueck/status/1362836605937930241>.

Ocasio-Cortez emphasized the need for transparency and accountability. We hope you will heed these calls and join your colleagues in demanding transparency and accountability.

For more than nine months, Republicans on the Select Subcommittee on the Coronavirus Crisis (Select Subcommittee) have demanded accountability and transparency while blowing the whistle on Governor Cuomo's reckless actions. On June 15, 2020, Republican Whip and Select Subcommittee Ranking Member Steve Scalise asked Select Subcommittee Democrats—including yourself—to join Select Subcommittee Republicans in requesting nursing home infection and fatality data from Governor Cuomo—you and all other Democrats declined.<sup>4</sup> Since then, Select Subcommittee Republicans have sent three subsequent document requests to Governor Cuomo.<sup>5</sup> The Governor ignored every request and instead resorted to calling Members of Congress “craven political hacks.”<sup>6</sup>

Further, recent reporting from *CNN* and the *New York Times* suggests that Governor Cuomo's attempts to cover-up the truth and conceal his culpability extend beyond obstruction of the Select Subcommittee to threats of retaliation toward anyone who might cross him.<sup>7</sup> Democrat New York State Assemblyman Ron Kim—whose uncle died in a New York nursing home from COVID-19—stated that Governor Cuomo “threatened to destroy [Assemblyman Kim's] life,” if he did not participate in the Governor's scheme to conceal the true nursing home data.<sup>8</sup> According to New York City Mayor Bill De Blasio, this behavior is “classic Andrew Cuomo.”<sup>9</sup> The Mayor continued, “[t]he bullying is nothing new. [N]o person, who is telling the truth, should be treated that way.”<sup>10</sup> Governor Cuomo appears to engage in a pattern and practice of using threats to shield himself from exposure.

Today, we respectfully request that you subpoena the documents, information, and communications previously requested by Select Subcommittee Republicans. For almost ten months, Governor Cuomo has been actively obstructing Congress' access to this information. Additionally, we request that you issue a subpoena for Governor Cuomo's testimony before the

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<sup>4</sup> Letter from Steve J. Scalise, et. al., Ranking Member, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, to Andre M. Cuomo, Governor, N.Y. (June 15, 2020).

<sup>5</sup> Letter from Steve J. Scalise, Ranking Member, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, to Andrew M. Cuomo, Governor, N.Y. (July 9, 2020); Letter from Steve J. Scalise, Ranking Member, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, to Andrew M. Cuomo, Governor, N.Y. (Jan. 28, 2021); Letter from Steve J. Scalise, Ranking Member, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, to Andrew M. Cuomo, Governor, N.Y. (Feb. 19, 2021).

<sup>6</sup> Bernadette Hogan % Bruce Golding, *Congress demands documents, briefing on Cuomo's deadly nursing-home order*, N.Y. POST (June 16, 2020), <https://nypost.com/2020/06/16/congress-demands-documents-briefing-on-cuomos-nursing-home-order/>.

<sup>7</sup> MJ Lee, *Cuomo said 'he can destroy me': NY assemblyman alleges governor threatened him over nursing homes scandal*, CNN (Feb. 17, 2021), <https://www.cnn.com/2021/02/17/politics/cuomo-ron-kim-nursing-home/index.html>; Luis Ferre-Sadurni & Jesse McKinley, *Cuomo Attacks a Fellow Democrat Over Nursing Home Criticism*, N.Y. TIMES (Feb. 17, 2021), <https://www.nytimes.com/2021/02/17/nyregion/nursing-homes-cuomo-ron-kim.html>.

<sup>8</sup> *Id.*

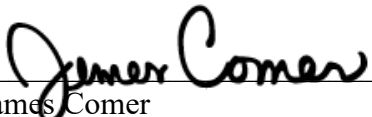
<sup>9</sup> Nolan Hicks & Lia Eustachewich, *De Blasio slams governor's threats to assemblyman as 'classic' Cuomo bullying*, N.Y. POST (Feb. 18, 2021), <https://nypost.com/2021/02/18/de-blasio-slams-govs-threats-as-classic-cuomo-bullying/>.

<sup>10</sup> *Id.*

full Oversight Committee. The Governor has a documented track record of misleading the public about his lethal March 25 order, including orchestrating a cover-up to conceal the truth from the New York State Legislature, the U.S. Congress, and, possibly, the U.S. Department of Justice. The only way to bring the truth to light and inform future public health decisions is to conduct a full investigation of Governor Cuomo's actions.

Thank you for your attention to this important request.

Sincerely,



James Comer  
Ranking Member  
Committee on Oversight and Reform



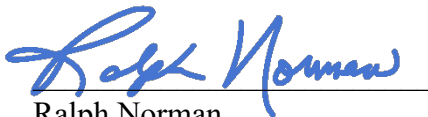
Jody Hice  
Ranking Member  
Subcommittee on Government  
Operations



Glenn S. Grothman  
Ranking Member  
Subcommittee on National Security



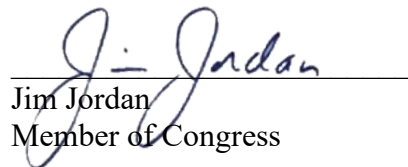
Michael Cloud  
Ranking Member  
Subcommittee on Economic and  
Consumer Policy




Ralph Norman  
Ranking Member  
Subcommittee on Environment



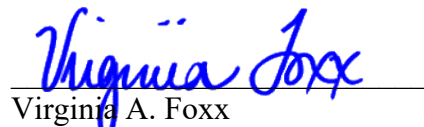
Pete Sessions  
Ranking Member  
Subcommittee on Civil Rights and  
Civil Liberties



Jim Jordan  
Member of Congress



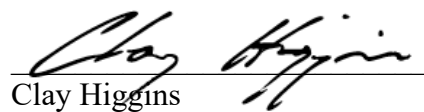
Paul A. Gosar, D.D.S.  
Member of Congress



Virginia A. Foxx  
Member of Congress



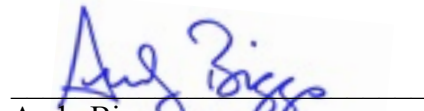
Bob Gibbs  
Member of Congress



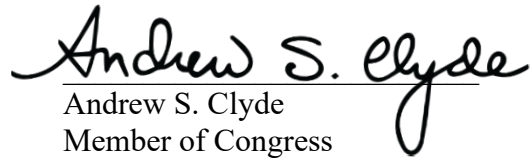
Clay Higgins  
Member of Congress



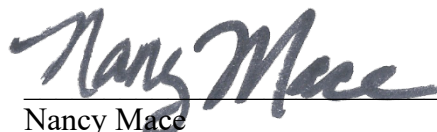
Fred Keller  
Member of Congress



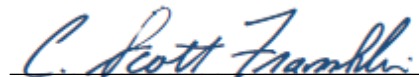
Andy Biggs  
Member of Congress



Andrew S. Clyde  
Member of Congress




Nancy Mace  
Member of Congress



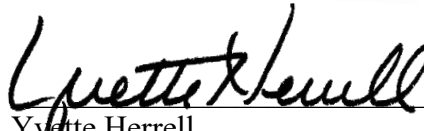
Scott Franklin  
Member of Congress




Jake LaTurner  
Member of Congress



Pat Fallon  
Member of Congress



Yvette Herrell  
Member of Congress



Byron Donalds  
Member of Congress

cc: The Honorable Gerald E. Connolly, Chairman  
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman  
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman  
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna  
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman  
Subcommittee on Civil Rights and Civil Liberties