

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

March 10, 2021

Honorable Letitia James  
New York State Office of the Attorney General  
The Capitol  
Albany, NY 12224-0341

Dear Attorney General James,

We write to request an update on any progress made by your office, including the use of independent lawyers and subpoenas, in investigating the undercounting of COVID-19 deaths in New York nursing homes, which was highlighted by your report entitled *Nursing Home Response to COVID-19 Pandemic* and later confirmed by Governor Cuomo's administration.<sup>1</sup>

Recently, your office issued press releases on a number of items, including a series on the authorities needed to hire an independent law firm to investigate allegations of sexual harassment made against Governor Cuomo. Although recent reports indicate that an "outside lawyer hired by the state has begun interviewing officials about the handling of nursing homes during the pandemic,"<sup>2</sup> it is unclear if those efforts are under your direction and include the authority to issue subpoenas, if necessary, in order to get to the truth.

Have you asked Governor Cuomo for a referral pursuant to Executive Law Section 63(8) to allow for an independent investigation of the high number of COVID-19 related deaths in New York nursing homes and associated deliberate misreporting by the Governor? If not, why not? Is there any alternative legal authority under which you are pursuing this investigation?

Given the urgency of our request and to help families get the answers they need and deserve, we ask your office to provide the answers to our questions on the status of your investigation by March 24, 2020. We look forward to your prompt reply.



Kevin Brady  
Republican Leader  
Committee on Ways and Means



Devin Nunes  
Republican Leader  
Subcommittee on Health  
Committee on Ways and Means



Tom Reed  
Committee on Ways and Means

<sup>1</sup> <https://ag.ny.gov/sites/default/files/2021-nursinghomesreport.pdf>; <https://apnews.com/article/new-york-nursing-home-coronavirus-deaths-a6c214f4467976efdfca9ba75f8adaef>

<sup>2</sup> <https://www.nytimes.com/2021/03/04/nyregion/cuomo-nursing-home-deaths.html?action=click&module=Spotlight&pgtype=Homepage>