

**Congress of the United States**  
**Washington, D.C.**

February 12, 2021

The Honorable Monty Wilkinson  
Acting Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Acting Attorney General Wilkinson,

We request the Department of Justice (DOJ) immediately open an obstruction of justice investigation into New York Governor Andrew Cuomo and his administration. It is now being reported that the Cuomo administration has admitted to knowingly withholding information on New York State's nursing home deaths out of fear it would be used against them as part of a federal investigation. This intentional and unconscionable coverup impacting thousands of our most vulnerable residents cannot go without consequences.

For months, family members, news outlets, and lawmakers alike have been calling on the Cuomo administration to report information regarding the number of nursing home residents who died of COVID-19, including those who died in a nursing home facility or after being transferred to another location. On March 25, 2020, Governor Cuomo issued an executive order mandating that “[n]o resident shall be denied re-admission or admission to [a nursing home] solely based on a confirmed or suspected diagnosis of COVID-19,” and prohibited nursing homes from requiring medically stable hospitalized residents to be tested for COVID-19 prior to their admission or readmission. In May 2020, only after intense backlash and unnecessary suffering, the New York State Department of Health (NYSDOH) reversed its policy.

We wrote to you after the New York Attorney General recently released a scathing report stating that the total number of COVID-19 related nursing home deaths was kept artificially low as NYSDOH selectively reported only the number of deaths at nursing homes and did not count the deaths that took place following the transfer of infected nursing home residents to area hospitals. It is now being reported that Secretary to the Governor, Melissa DeRosa, admitted to a group of Democrat state legislators that the Governor's office withheld this information from the federal government out of fear that it would “be used against us” by the DOJ. Even more concerning, DeRosa also reportedly said that the DOJ was no longer focused on New York's nursing homes.

We request your department immediately open an obstruction of justice investigation into Governor Cuomo and his administration. Thank you for your attention to this important matter. We look forward to your response.

Sincerely,



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Lee Zeldin  
Member of Congress



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Elise M. Stefanik  
Member of Congress



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Chris Jacobs  
Member of Congress



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Nicole Malliotakis  
Member of Congress



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Andrew Garbarino  
Member of Congress



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Tom Reed  
Member of Congress



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John Katko  
Member of Congress



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Claudia Tenney  
Member of Congress