

Congress of the United States
Washington, DC 20515

March 30, 2021

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

Mr. Bob Fenton
Acting Administrator
Federal Emergency Management Agency
500 C Street, S.W.
Washington, D.C. 20472

Dear Secretary Mayorkas and Acting Administrator Fenton:

The Select Subcommittee on the Coronavirus Crisis is investigating the federal government's efforts to procure and distribute personal protective equipment (PPE) and other supplies that are vital to protecting American lives during the coronavirus pandemic. The Trump Administration obstructed this inquiry for months, but documents recently obtained from other sources raise troubling new questions about the previous Administration's approach to procurement and its impact on our nation's response to the pandemic. These documents provide further evidence that the Trump Administration failed to react quickly to the coronavirus pandemic in Spring 2020 despite urgent warnings, failed to implement a national strategy to alleviate critical supply shortages that were putting American lives at risk, and pursued a haphazard and ineffective approach to procurement in which senior White House officials steered contracts to particular companies without adequate diligence or competition.

The Select Subcommittee obtained an internal White House memorandum from March 1, 2020, in which then-Assistant to the President Peter Navarro warned President Trump of the urgent need to "STAY AHEAD OF VIRUS CURVE." He stated bluntly that the country was facing "a very serious public health emergency" and explained: "Over the last month, I have presented the Task Force with action memos to combat the virus swiftly in 'Trump Time,' but movement has been slow." Mr. Navarro stated that progress on critical elements of the nation's response—from strengthening supply chains to increasing testing and treatment options—"is NOT fast enough."

Rather than heed this warning and implement a coordinated national strategy, President Trump asserted just a few weeks later: "The Federal government is not supposed to be out there buying vast amounts of items and then shipping. You know, we're not a shipping

clerk.”¹ The President rejected calls from governors to ensure that the country had sufficient PPE and other supplies to address the crisis, leading to severe shortages and forcing states and cities to compete on the open market.

In the absence of a coordinated national plan, various White House officials pursued ineffective, ad hoc approaches to procuring certain supplies. Recently obtained documents show that White House officials pushed federal agencies to issue non-competitive contracts for certain pharmaceutical ingredients and other items—some of which would not be ready for many months or even years—even as acute shortages for surgical masks, nitrile gloves, gowns, and other items continued.² For example, documents show that, just hours after receiving a \$96 million proposal from AirBoss Defense Group (ADG), a company offering to supply powered respirators, Mr. Navarro told a company executive, “everything you requested is ok,” and instructed the company to “trust your government and begin to execute,” even though no contract had been negotiated or signed. The Federal Emergency Management Agency (FEMA) awarded ADG the \$96 million sole-source contract just six days later. Several other large contracts awarded by FEMA were canceled for non-performance, raising questions about whether the agency conducted adequate diligence prior to granting multi-million-dollar awards.

We are pleased that the Biden Administration is now implementing a coordinated national strategy to procure supplies, including using the Defense Production Act to ramp up production and taking steps to strengthen supply chains and restore American manufacturing capability.³ The Biden Administration’s strategy, along with its commitment to transparency and to science, will help to bring this crisis to an end. In order to understand what went wrong over the last year, correct these errors, and prevent them from recurring, the Select Subcommittee is continuing to investigate critical failures in the previous Administration’s approach to procuring and distributing supplies.

¹ *‘We’re Not a Shipping Clerk’: Trump Tells Governors to Step up Efforts to Get Medical Supplies*, Politico (Mar. 19, 2020) (online at www.politico.com/news/2020/03/19/trump-governors-coronavirus-medical-supplies-137658).

² *HHS Clarifies US Has About 1% of Face Masks Needed for ‘Full-Blown’ Coronavirus Pandemic*, CNBC (Mar. 4, 2020) (online at <https://cnbc.com/2020/03/04/hhs-clarifies-us-has-about-1percent-of-face-masks-needed-for-full-blown-pandemic.html>); *U.S. Hospital Workers Are Making Masks, Protective Gear from Office Supplies Amid Equipment Shortage*, Time (Mar. 18, 2020) (online at www.time.com/5805557/homemade-medical-face-mask-shortage/); *‘At War With No Ammo’: Doctors Say Shortage of Protective Gear Is Dire*, New York Times (Mar. 19, 2020) (online at www.nytimes.com/2020/03/19/health/coronavirus-masks-shortage.html).

³ *See, e.g.*, Exec. Order No. 14017, 86 Fed. Reg. 11849 (Feb. 24, 2021) (online at www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-americas-supply-chains/); Exec. Order No. 14001, 86 Fed. Reg. 7219 (Jan. 21, 2021) (online at www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/executive-order-a-sustainable-public-health-supply-chain/).

The Trump Administration’s Failed Approach to Obtaining Critical Supplies

On March 1, 2020, Mr. Navarro wrote a memorandum to President Trump entitled: “MOVE IN ‘TRUMP TIME’ TO STAY AHEAD OF VIRUS CURVE.” The memo, which followed other memos warning the President of the potential severity of the coronavirus outbreak,⁴ stated:

Since the first news from China of a viral epidemic, I forecast a *significant* global pandemic. ... Over the last month, I have presented the Task Force with action memos to combat the virus swiftly in ‘Trump Time,’ but movement has been slow. There is NO downside risk to taking swift actions as an insurance policy against what may be a very serious public health emergency. If the COVID-19 crisis quickly recedes, the only thing we will have been guilty of is prudence.⁵

Mr. Navarro’s memo advocated five specific steps that the Administration could take to address the looming crisis, including mobilization of supply chains, developing point-of-care diagnostics, and increasing capacity to develop treatments. The memo emphasized: “In some cases, there is already SOME movement BUT the movement is NOT fast enough.”⁶

This memo adds to the growing body of evidence showing that the Trump Administration failed to execute an effective strategy to procure PPE, leading to severe shortages and forcing states and cities to compete on the open market for scarce supplies.

A memorandum released by the Committee on Oversight and Reform in July 2020 revealed that Trump Administration officials resisted offers from major manufacturers to assist in obtaining PPE and other critical supplies as early as January 2020. Oversight Committee staff conducted interviews with representatives from major medical equipment distribution companies, who reported that “folks in the industry saw that things were getting worse, and their requests for guidance was increasing week by week” and that “everyone was asking the same questions, but guidance wasn’t coming.”⁷ Although the White House was aware of the potential

⁴ *Navarro Memos Warning of Mass Coronavirus Death Circulated in January*, Axios (Apr. 7, 2020) (online at www.axios.com/exclusive-navarro-deaths-coronavirus-memos-january-da3f08fb-dce1-4f69-89b5-ea048f8382a9.html).

⁵ Memorandum from Peter Navarro through NSA O’Brien to the President, *Move in ‘Trump Time’ to Stay Ahead of Virus Curve* (Mar. 1, 2020) (PHLOW_SSCC_0017388 – 97) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/PHLOW_SSCC_0017388_Redacted.pdf) (emphasis in original).

⁶ *Id.*

⁷ Memorandum from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, *Information Provided by Medical Distribution Companies on Challenges with White House Supply Chain Task Force and Project Airbridge* (July 2, 2020) (online at <https://oversight.house.gov/news/press-releases/chairwoman-maloney-releases-memo-with-new-information-on-trump-administration-s>).

for shortages, the Trump Administration appeared to take little action early in the pandemic to procure supplies.⁸

On March 20, 2020—nearly three weeks after the President was warned of the need for “swift actions”—then-FEMA Administrator Peter Gaynor briefed the Oversight Committee. He stated that FEMA, the primary federal agency responsible for disaster relief, had not been fully engaged in the White House Coronavirus Task Force until earlier that week and did not host its first “interagency synchronization call” until that day.⁹ FEMA subsequently became responsible for leading the Supply Chain Stabilization Task Force, one of several different groups tasked by the Trump Administration with procuring or distributing supplies.¹⁰ It is unclear whether and to what extent these groups coordinated with each other.¹¹

In late March 2020, the White House Coronavirus Task Force formed Project Airbridge to import PPE and other supplies from overseas manufacturers on trans-continental flights. The federal government did not take ownership of the supplies.¹² Instead, private suppliers participating in the program were required to sell half of the imported goods to customers in “hotspot” areas defined by FEMA,¹³ while retaining discretion to determine where to distribute the remaining 50 percent of supplies without any guidance from the federal government.¹⁴

⁸ *President’s Intelligence Briefing Book Repeatedly Cited Virus Threat*, Washington Post (Apr. 27, 2020) (online at www.washingtonpost.com/national-security/presidents-intelligence-briefing-book-repeatedly-cited-virus-threat/2020/04/27/ca66949a-8885-11ea-ac8a-fe9b8088e101_story.html).

⁹ Committee on Oversight and Reform, *Press Release: FEMA Briefs Oversight Committee on Administration’s Coronavirus Response* (Mar. 20, 2020) (online at <https://oversight.house.gov/news/press-releases/fema-briefs-oversight-committee-on-administration-s-coronavirus-response>).

¹⁰ Federal Emergency Management Agency, *Press Release: FEMA Supply Chain Task Force Leads Four-Pronged Approach to Securing Needed Supplies and Equipment in COVID-19 Fight* (Apr. 6, 2020) (online at www.fema.gov/news-release/20200726/fema-supply-chain-task-force-leads-four-pronged-approach-securing-needed).

¹¹ Memorandum from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, *Information Provided by Medical Distribution Companies on Challenges with White House Supply Chain Task Force and Project Airbridge* (July 2, 2020) (online at <https://oversight.house.gov/news/press-releases/chairwoman-maloney-releases-memo-with-new-information-on-trump-administration-s>).

¹² Federal Emergency Management Agency, *FEMA COVID-19 Supply Chain Task Force: Supply Chain Stabilization* (Apr. 8, 2020) (online at www.fema.gov/news-release/2020/04/08/fema-covid-19-supply-chain-task-force-supply-chain-stabilization).

¹³ Federal Emergency Management Agency, *Press Release: FEMA Phasing Out Project Airbridge* (Jun. 18, 2020) (online at www.fema.gov/news-release/2020/06/18/fema-phasing-out-project-airbridge); Committee on Oversight and Reform, *Press Release: New Document Shows Inadequate Distribution of Personal Protective Equipment and Critical Medical Supplies to States* (Apr. 8, 2020) (online at <https://oversight.house.gov/news/press-releases/new-document-shows-inadequate-distribution-of-personal-protective-equipment-and>).

¹⁴ *White House Pandemic Supply Project Swathed in Secrecy and Exaggerations*, Washington Post (May 8, 2020) (online at www.washingtonpost.com/investigations/white-house-pandemic-supply-project-swathed-in-secrecy-and-exaggerations/2020/05/08/9c77efb2-8d52-11ea-a9c0-73b93422d691_story.html); Memorandum from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, *Information Provided by Medical Distribution Companies on Challenges*

Distributors were not required to disclose their prices to the Administration, and no oversight mechanisms were put in place to ensure prices were reasonable.¹⁵

Some distributors also informed Oversight Committee staff that the White House pressured them to procure supplies from a Chinese company, despite clear red flags, and relied on an ad hoc group of volunteers called the Private Sector Supply Chain Coalition—rather than executive branch procurement experts—to source supplies.¹⁶

At a Select Subcommittee hearing on July 2, 2020, Trump Administration officials from FEMA, the Department of Health and Human Services (HHS), and the Department of Defense were unable to provide information on the projected supply and demand for PPE and testing supplies. Rear Admiral John Polowczyk, who led FEMA’s Supply Chain Stabilization Task Force, testified that he had “no visibility” into “what states, local municipalities and private institutions have bought” and that states were not reporting quantities of PPE on hand to the task force. Rear Admiral Polowczyk further testified that, despite being responsible for stabilizing the supply chain, he lacked authority over contracting and acquisition, stating, “I have none of those authorities.”¹⁷

On July 14, 2020, the Select Subcommittee sent requests to four federal agencies, including the Department of Homeland Security, for information on the projected demand for critical supplies as well as the country’s ability to meet this demand and address projected shortages.¹⁸ The Trump Administration failed to provide a comprehensive response to these

with *White House Supply Chain Task Force and Project Airbridge* (July 2, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Project%20Airbridge%20Memo%2007-02-20.pdf>).

¹⁵ Participating distributors entered into a memorandum of agreement with the Department of Homeland Security and FEMA stating that PPE should be sold “at a reasonable price (i.e., the price that a prudent and competent buyer would be willing to pay given available data on market conditions).” Memorandum from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, *Information Provided by Medical Distribution Companies on Challenges with White House Supply Chain Task Force and Project Airbridge* (July 2, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Project%20Airbridge%20Memo%2007-02-20.pdf>).

¹⁶ *Id.*

¹⁷ Select Subcommittee on the Coronavirus Crisis, *Press Release: At Hearing on Supply Shortages, Top Officials Acknowledge Country Is Failing to Control Coronavirus* (July 2, 2020) (online at <https://coronavirus.house.gov/news/press-releases/hearing-supply-shortages-top-officials-acknowledge-country-failing-control>).

¹⁸ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary Alex M. Azar II, Department of Health and Human Services, Secretary Mark T. Esper, Department of Defense, Secretary Robert Wilkie, Department of Veterans Affairs, and Acting Secretary Chad Wolf, Department of Homeland Security (July 14, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-07-14.Select%20Cmte.%20to%20Azar-HHS%20Esper-DOD%20Wolf-DHS%20Wilkie-%20VA%20re%20Administration%20PPE%20Contractor%20%281%29.pdf>).

requests. It remains unclear whether the previous Administration failed to track supply and demand of critical supplies or simply refused to share this information with Congress.

The Role of the Trump White House in Federal Procurement

We are concerned that the previous Administration may not have conducted sufficient diligence prior to awarding multi-million-dollar contracts, and that White House officials may have placed inappropriate pressure on federal agencies to award contracts to particular companies. New evidence uncovered by the Select Subcommittee raises questions about whether White House officials, including Mr. Navarro, exercised inappropriate influence over contract awards for PPE and medical supplies that should have been handled by career procurement staff.

These documents also raise new questions about the Trump Administration's use of unaccountable outside advisors, rather than career federal procurement and public health experts, to manage the federal government's pandemic response. Documents show that Mr. Navarro involved at least one outside advisor in negotiating multi-million-dollar agreements on behalf of the federal government. Steven Hatfill, an adjunct assistant professor at George Washington University, appears to have been involved in negotiating FEMA's contract with ADG as well as a \$354 million contract awarded by HHS.¹⁹ Dr. Hatfill is an associate of Stephen Bannon who endorsed hydroxychloroquine as a coronavirus treatment after the Food and Drug Administration revoked the drug's authorization for emergency use—a position Mr. Navarro praised.²⁰ Mr. Navarro and Dr. Hatfill also appear to have been involved in FEMA's decision to award a \$9.5 million, sole-source contract for N95 masks to Prestige Ameritech after Mr. Bannon introduced Mr. Navarro and Dr. Hatfill to the company's CEO.²¹

¹⁹ Email from Michael McCormack, Chief Strategy Officer, AirBoss Defense Group, to Sam Ansani, Branch Chief, Incident Support and Field Operations, Department of Homeland Security, et al. (Mar. 29, 2020) (ADG_00000661 – 76) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00000661-676_Redacted.pdf); Email from B. Frank Gupton, Floyd D. Gottwald, Jr. Chair in Pharmaceutical Engineering and Chair of the Department of Chemical and Life Science Engineering, Virginia Commonwealth University, to Steven Hatfill, Adjunct Assistant Professor, George Washington University, et al. (Mar. 31, 2020) (PHLOW_SSCC_0010217) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/PHLOW_SSCC_0010217_Redacted.pdf).

²⁰ See *An Effective COVID Treatment the Media Continues to Besmirch*, RealClear Politics (Aug. 4, 2020) (online at www.realclearpolitics.com/articles/2020/08/04/an_effective_covid_treatment_the_media_continues_to_besmirch_143875.html); Peter Navarro (@RealPNavarro), Twitter (Aug. 5, 2020) (online at <https://twitter.com/realpnavarro/status/1291085023886675968?lang=en>) (“Dr. Steven Hatfill’s clutch hit. Best take down of anti-Trump Hydroxy Hysteria media this side of @ScottAdams[.] Says CNN might be killing tens of thousands.”).

²¹ *Want a Mask Contract or Some Ventilators? A White House Connection Helps*, NBC News (Apr. 24, 2020) (online at www.nbcnews.com/politics/white-house/political-influence-skews-trump-s-coronavirus-response-n1191236); USASpending.gov, *Purchase Order 70FB7020P00000018* (online at www.usaspending.gov/award/CONT_AWD_70FB7020P00000018_7022_-NONE_-NONE-) (accessed Mar. 23, 2021); Committee on Energy and Commerce, *Hearing on Protecting Scientific Integrity in the COVID-19 Response*

Contract with AirBoss Defense Group

ADG, a subsidiary of AirBoss of America Corp., is a Canadian company that manufactures PPE and military supplies. On March 31, 2020, FEMA awarded ADG a \$96 million sole-source contract for powered respirators and filters, even though these products are made by multiple manufacturers.²² An entry in a federal procurement database states that the award was “ordered by the White House.”²³ Documents recently obtained by the Select Subcommittee show that Mr. Navarro bypassed the federal procurement process, accepted ADG’s proposal, and instructed the company to begin producing respirators and sending invoices to the federal government before any contract had been awarded. This evidence raises questions about the process followed to award this contract and whether it was in the best interest of taxpayers.

On March 22, 2020, retired General John “Jack” Keane—who had been awarded the Presidential Medal of Freedom by President Trump just days earlier—sent an email to Mr. Navarro stating, “sent you a catalog of items that ADG can provide, all needed for fight vs CV19. They can surge,” and providing contact information for ADG’s CEO Patrick Callahan. Mr. Navarro replied, “On it.”²⁴ Mr. Navarro and members of the White House Coronavirus Task Force had a call with ADG that same day.²⁵ At the time of this exchange, General Keane was a paid consultant for ADG who “promotes ADG products and helps ADG build its positive, effective relationships with key decision-makers.”²⁶

(May 14, 2020) (online at www.congress.gov/116/meeting/house/110749/documents/HHRG-116-IF14-Transcript-20200514.pdf).

²² See, e.g., Centers for Disease Control and Prevention, *NIOSH-Approved Powered Air-Purified Respirators Meeting CDC Criteria for Ebola* (online at www.cdc.gov/niosh/npptl/topics/respirators/disp_part/paprtables.html) (accessed on Mar. 22, 2021).

²³ *The White House Pushed FEMA to Give Its Biggest Coronavirus Contract to a Company that Never Had to Bid*, ProPublica (Apr. 10, 2020) (online at www.propublica.org/article/the-white-house-pushed-fema-to-give-its-biggest-coronavirus-contract-to-a-company-that-never-had-to-bid); USASpending.gov, *Purchase Order 70FB7020P00000008* (online at www.usaspending.gov/award/CONT_AWD_70FB7020P00000008_7022_-NONE_-NONE-) (accessed Mar. 23, 2021).

²⁴ Email from John Keane, Consultant, AirBoss Defense Group, to Peter Navarro, Director, White House Office of Trade and Manufacturing Policy (Mar. 22, 2020) (ADG_00009382) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00009382_Redacted.pdf).

²⁵ Email from Michael McCormack, Chief Strategy Officer, AirBoss Defense Group, to Sam Ansani, Branch Chief, Incident Support and Field Operations, Department of Homeland Security, et al. (Mar. 29, 2020) (ADG_00000661 – 76) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00000661-676_Redacted.pdf).

²⁶ According to counsel for ADG, General Keane has been a “key strategic advisor” to the company since May 2019. ADG reported to the Select Subcommittee that General Keane has helped ADG “identify new opportunities, improve operations, assist with regard to the direction of ADG products and technologies, and plan and implement strategies to secure sustained success.” See Letter from Stephen Ryan, Partner, McDermott Will & Emery LLC, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Sept. 25, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.09.25%20-%20MWE%20Ltr%20to%20Subcommittee%20re%20ADG_Redacted.pdf).

On March 23, 2020, ADG submitted a \$96.4 million proposal to Mr. Navarro's deputy at the White House, Christopher Abbott.²⁷ The next day, Mr. Navarro wrote to Mr. Callahan that the proposal would be "sent forthwith for swift approval up the chain" and they could "consider it done."²⁸ Mr. Navarro specified that the federal government would place an order for 100,000 powered air-purifying respirators (PAPRs), even though no contract had been executed and Mr. Navarro had no authority to issue federal contracts. He instructed the company to coordinate delivery of items as soon as they were ready and to send the invoice to FEMA.²⁹

On March 25, 2020, ADG submitted an updated proposal to Mr. Navarro's staff.³⁰ An ADG executive later sent an email to FEMA staff describing a call the company received from Mr. Navarro in response to this proposal:

I received a call from Mr. Navarro and Dr. Hatfield [sic] telling me that "your government appreciates what you can do, and now we need you to trust your government and begin to execute." "We will get you on contract as quick as we can. Everything you have requested is ok."³¹

ADG made an initial delivery of 50 respirators on March 26, 2020.³² A packing slip accompanying this shipment was addressed to the White House and stated: "Verbal order of

²⁷ Email from Michael McCormack, Chief Strategy Officer, AirBoss Defense Group, to Christopher Abbott, Deputy Director, White House Office of Trade and Manufacturing Policy, et al. (Mar. 23, 2020) (ADG_0000941 – 56) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_0000941_Redacted.pdf).

²⁸ Email from Peter Navarro, Director, White House Office of Trade and Manufacturing Policy, to Patrick Callahan, Chief Executive Officer, AirBoss Defense Group, Brian McCormack, Associate Director, Office of Management and Budget, and Robert Kadlec, Assistant Secretary for Preparedness and Response, Department of Health and Human Services (Mar. 24, 2020) (ADG_00000898) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00000898_Redacted.pdf).

²⁹ *Id.* Email from Sam Ansani, Branch Chief, Incident Support and Field Operations, Department of Homeland Security, to Michael McCormack, Chief Strategy Officer, AirBoss Defense Group (Mar. 30, 2020) (ADG_00000661 – 76) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00000661-676_Redacted.pdf).

³⁰ Email from Michael McCormack, Chief Strategy Officer, AirBoss Defense Group, to Sam Ansani, Branch Chief, Incident Support and Field Operations, Department of Homeland Security, et al. (Mar. 29, 2020) (ADG_00000661 – 76) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00000661-676_Redacted.pdf); AirBoss Defense Group, *Initial Firm Fixed Pricing Proposal* (Mar. 25, 2020) (ADG_00009087 – 94) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00009087_Redacted.pdf).

³¹ Email from Michael McCormack, Chief Strategy Officer, AirBoss Defense Group, to Sam Ansani, Branch Chief, Incident Support and Field Operations, Department of Homeland Security, et al. (Mar. 29, 2020) (ADG_00000661 – 76) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00000661-676_Redacted.pdf).

³² *Id.*

Peter Navarro, Asst to President for Trade & Manufacturing Policy.”³³ Contracting professionals from FEMA appear to have been brought into this process only after ADG completed this delivery.³⁴

White House officials then pushed FEMA to finalize the contract. Joanna Miller, a White House policy analyst, wrote to FEMA officials on March 26, 2020:

I was called about 4 times yesterday by the CEO and senior executives (after reaching out to the team at FEMA/NRCC three times yesterday). Nobody has made contact or even let these folks know what’s going on. Any updates?³⁵

FEMA officials then drafted the contract, incorporating the terms to which White House officials had previously agreed.³⁶

On March 31, 2020, FEMA executed the final contract as a sole-source award, agreeing to pay the full \$96.4 million requested by ADG.³⁷ This award contributed to a 327 percent increase in ADG’s net sales between April and June 2020 over the previous year and to a more than \$12 million increase in gross profit for ADG’s parent company for the same period.³⁸

³³ Immediate Response Technologies, LLC d/b/a AirBoss Defense Group, *Packing Slip 12973* (shipped on Mar. 25, 2020) (ADG_00001753) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00001753_Redacted.pdf).

³⁴ Email from Michael McCormack, Chief Strategy Officer, AirBoss Defense Group, to Sam Ansani, Branch Chief, Incident Support and Field Operations, Department of Homeland Security, et al. (Mar. 29, 2020) (ADG_00000661 – 76) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00000661-676_Redacted.pdf).

³⁵ Email from Joanna Miller, Policy Analyst, The White House, to Peter Navarro, Director, White House Office of Trade and Manufacturing Policy, et al. (Mar. 26, 2020) (ADG_00000888 – 91) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00000888-895_Redacted.pdf); *see also* Email from Michael McCormack, Chief Strategy Officer, AirBoss Defense Group, to Sam Ansani, Branch Chief, Incident Support and Field Operations, Department of Homeland Security (Mar. 29, 2020) (ADG_00000654) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00000644-660_Redacted.pdf).

³⁶ Email from Sam Ansani, Branch Chief, Incident Support and Field Operations, Department of Homeland Security, to Michael McCormack, Chief Strategy Officer, AirBoss Defense Group (Mar. 30, 2020) (ADG_00000661 – 76) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/ADG_00000661-676_Redacted.pdf).

³⁷ USASpending.gov, *Contract Summary: Immediate Response Technologies, LLC* (online at www.usaspending.gov/award/CONT_AWD_70FB7020C00000007_7022_-NONE_-NONE-) (accessed Mar. 30, 2021).

³⁸ AirBoss of America Corp., *2020 Second Quarter Interim Report* (Aug. 10, 2020) (online at https://airboss.com/wp-content/uploads/2020/09/2020_Second_Quarter_Interim_Report.pdf).

Questionable Contracts Awarded by FEMA

The Select Subcommittee's July 14, 2020, letter sought information about other troubling contracts awarded by FEMA during the coronavirus pandemic, some of which were ultimately canceled because of the company's failure to perform.³⁹ Despite repeated follow-up efforts by Select Subcommittee staff, the Trump Administration refused to produce requested communications, vetting materials, and other information necessary to determine why the Administration provided lucrative awards to these contractors despite red flags.

Contract with Fillakit, LLC

Fillakit, LLC was formed in May 2020 and received a \$10 million contract from FEMA to provide testing supplies just seven days later. Fillakit ultimately provided the government with three million plastic tubes that were both contaminated and the wrong size for standard laboratories.⁴⁰ These contaminated supplies may have further limited the availability of coronavirus testing at a time when testing resources were already scarce.⁴¹

Contract with Panthera Worldwide, LLC

In April 2020, FEMA awarded a \$55 million contract for N95 masks to Panthera Worldwide, LLC (Panthera), but was forced to cancel the contract after the company failed to deliver the masks. Panthera had no history of producing medical equipment prior to obtaining this contract and had only received one other unrelated federal award in its entire history. Panthera's contract was awarded without competition, even though Panthera charged \$5.50 per mask, significantly more than the manufacturer's list prices of \$0.68 to \$3.40. Panthera's parent company had filed for bankruptcy on September 13, 2019, more than seven months before the contract was awarded.⁴²

³⁹ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary Alex M. Azar II, Department of Health and Human Services, Secretary Mark T. Esper, Department of Defense, Secretary Robert Wilkie, Department of Veterans Affairs, and Acting Secretary Chad Wolf, Department of Homeland Security (July 14, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-07-14.Select%20Cmte.%20to%20Azar-HHS%20Esper-DOD%20Wolf-DHS%20Wilkie-%20VA%20re%20Administration%20PPE%20Contractor%20%281%29.pdf>).

⁴⁰ USASpending.gov, *Delivery Order 70FB7020F00000113* (online at www.usaspending.gov/#/award/CONT_AWD_70FB7020F00000113_7022_70FB7020D00000029_7022) (accessed Mar. 23, 2021); *The Trump Administration Paid Millions for Test Tubes — and Got Unusable Mini Soda Bottles*, ProPublica (June 18, 2020) (online at www.propublica.org/article/the-trump-administration-paid-millions-for-test-tubes-and-got-unusable-mini-soda-bottles).

⁴¹ *The Trump Administration Paid Millions for Test Tubes — and Got Unusable Mini Soda Bottles*, ProPublica (June 18, 2020) (online at www.propublica.org/article/the-trump-administration-paid-millions-for-test-tubes-and-got-unusable-mini-soda-bottles).

⁴² *FEMA Cancels \$55 Million Contract for N95 Masks*, CNN (May 14, 2020) (online at www.cnn.com/2020/05/13/politics/fema-ppe-contract-cancelled-coronavirus/index.html); *In Coronavirus Scramble for N95 Masks, Trump Administration Pays Premium to Third-Party Vendors*, Washington Post (Apr. 15, 2020) (online at www.washingtonpost.com/national/coronavirus-trump-masks-contracts-prices/2020/04/15/9c186276-

Contract with Federal Government Experts

The Select Subcommittee also has concerns about FEMA’s award of a third contract, issued on April 15, 2020, to a company called Federal Government Experts (FGE). This \$3.5 million contract for N95 masks followed a separate \$35 million contract awarded to FGE by the Department of Veterans Affairs. Both contracts were ultimately canceled due to FGE’s “non-delivery of N95 masks.”⁴³ On February 3, 2021, FGE’s CEO, Robert Stewart, Jr., pleaded guilty to fraud charges related to these contracts and other benefits he obtained.⁴⁴

* * *

For all these reasons, the Select Subcommittee respectfully requests that you produce by April 13, 2021, the following documents covering the period from January 1, 2020, to January 20, 2021:

1. All documents and communications regarding any effort to import supplies to the United States in response to the coronavirus pandemic, including but not limited to all communications related to Project Airbridge.
2. All policies, protocols, or guidance, whether formal or informal, related to Project Airbridge, including but not limited to any guidance on the price of goods to be sold.
3. All documents and communications related to the Private Sector Supply Chain Coalition or any other formal or informal task force or group convened to obtain supplies necessary to respond to the coronavirus, including but not limited to communications to or from Dennis Robb, Jared Kushner, or any other participant in this group.
4. All documents and communications regarding any proposals or plans for the procurement or distribution of supplies in response to the coronavirus pandemic, including requests for guidance on priority locations for distribution of supplies.

7f20-11ea-8de7-9fdff6d5d83e_story.html); USASpending.gov, *Contract Summary: Panthera Worldwide LLC* (online at www.usaspending.gov/#/award/CONT_AWD_70FB7020C00000006_7022_-NONE_-NONE-) (accessed Mar. 23, 2021).

⁴³ USASpending.gov, *Spending by Prime Award: Federal Government Experts, LLC* (online at www.usaspending.gov/search/a6484cd07116ad5a33a42c06746a9001) (accessed Mar. 16, 2021); USASpending.gov, *Contract Summary: Purchase Order (PO) 70FBR320P00000014* (online at www.usaspending.gov/award/CONT_AWD_70FBR320P00000014_7022_-NONE_-NONE-) (accessed Mar. 19, 2021).

⁴⁴ *Contractor Who Was Awarded \$34.5 Million in Government Money and Provided Zero Masks Pleads Guilty to Fraud*, ProPublica (Feb. 3, 2021) (online at www.propublica.org/article/contractor-masks-guilty-plea).

5. All documents and communications, including email communications, between any federal official, employee, or agent and any employee or other representative of Cardinal Health, Concordance Healthcare Solutions, Henry Schein, McKesson, Medline, and Owens & Minor, relating to the acquisition or distribution of personal protective equipment, medical supplies, or testing supplies to address the coronavirus pandemic.
6. All documents and communications regarding manufacturers offering supplies for purchase in connection with the coronavirus pandemic, including but not limited to communications regarding whether to purchase supplies from BYD or any other Chinese state-run business.
7. The complete contract files, including but not limited to all solicitations, contracts, task orders, justifications for other than full and open competition, responsibility determinations, documentation of acceptance or performance, and verification of price reasonableness for any contract for personal protective equipment, medical equipment, or testing supplies, with any of the following entities:
 - a. AirBoss Defense Group or any of its affiliates, including but not limited to Immediate Response Technologies, LLC;
 - b. Fillakit, LLC;
 - c. Panthera Worldwide, LLC; and
 - d. Federal Government Experts, LLC.
8. For each entity listed in Request 7, all documents and communications regarding the contract award and the company's performance under the contract, including but not limited to internal agency communications and communications with the White House, other federal agencies, the company, or others.
9. All documents and communications with Peter Navarro, Christopher Abbott, or any personnel from the White House Office of Trade and Manufacturing Policy related to the federal government's response to the coronavirus pandemic, including but not limited to memoranda related to pandemic preparation or response or any efforts to obtain personal protective equipment, pharmaceutical products, or other medical supplies in response to the coronavirus crisis.

The House of Representatives established the Select Subcommittee on the Coronavirus Crisis “to conduct a full and complete investigation” of “issues related to the coronavirus crisis,” including the “preparedness for and response to the coronavirus crisis” and “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus crisis.”⁴⁵

⁴⁵ H.R. 935, 116th Cong. (2020); H.R. 8, sec. 4(f).

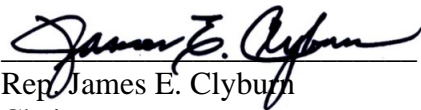
The Honorable Alejandro Mayorkas

Mr. Bob Fenton

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An attachment to this letter provides additional instructions for responding to the Select Subcommittee's request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400. Thank you for your attention to this matter.

Sincerely,



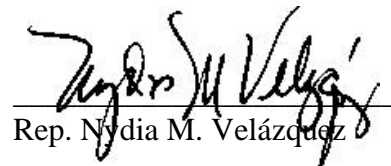
Rep. James E. Clyburn
Chairman
Select Subcommittee on the Coronavirus Crisis



Rep. Maxine Waters



Rep. Carolyn B. Maloney



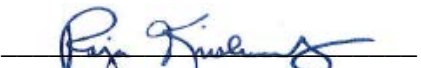
Rep. Nydia M. Velázquez



Rep. Bill Foster



Rep. Jamie Raskin



Rep. Raja Krishnamoorthi

Enclosure

cc: The Honorable Steve Scalise, Ranking Member
Select Subcommittee on the Coronavirus Crisis

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.