

Congress of the United States
Washington, DC 20515

April 9, 2021

Dr. Steven J. Hatfill
Adjunct Assistant Professor
School of Medicine & Health Sciences
George Washington University
Ross Hall, 2300 Eye Street, N.W.
Washington, D.C. 20037

Dear Dr. Hatfill:

The Select Subcommittee on the Coronavirus Crisis is investigating the federal government's efforts to procure and distribute critical supplies needed to protect American lives and prevent coronavirus transmission. Our investigation has revealed that the previous Administration failed to quickly react to the rapidly spreading coronavirus in early 2020 despite urgent warnings, refused to implement a national strategy to alleviate supply shortages, and pursued a haphazard and ineffective approach to procuring personal protective equipment (PPE) and other supplies that failed to address the country's needs and protect American lives.

Documents obtained by the Select Subcommittee suggest that White House officials, including then-Assistant to the President Peter Navarro, exercised potentially inappropriate influence over multi-million-dollar federal supply contracts and pressured agency officials to award lucrative contracts to particular companies without adequate diligence or competition.¹

Documents obtained by the Select Subcommittee also show that you were involved in some of these contracting decisions, despite holding no known position in the federal government during the coronavirus pandemic. For example, on March 31, 2020, the Federal Emergency Management Agency (FEMA) awarded AirBoss Defense Group (ADG) a \$96 million sole-source contract for powered respirators and filters.² An entry in a federal procurement database states that the award was "ordered by the White House."³ Documents obtained by the Select Subcommittee show that Mr. Navarro bypassed the federal procurement

¹ See Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, et al., to Archivist of the United States David S. Ferriero, National Archives and Records Administration (Mar. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-03-30.Select%20Sub%20to%20Ferriero%20re%20NARA%20Supply%20Chain%20.pdf>).

² *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).

³ *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-coronavirusresponse-n1191236); USASpending.gov, *Purchase Order 70FB7020P00000008* (online at www.usaspending.gov/award/CONT_AWD_70FB7020P00000008_7022_-NONE-_-NONE-) (accessed on Apr. 8, 2021).

process, accepted ADG's contract proposal, and instructed the company to begin producing respirators and sending invoices to the federal government before any contract had been awarded.⁴ On March 25, an ADG executive sent an email to FEMA staff describing a call the company received from you and Mr. Navarro in response to their proposal:

I received a phone 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."⁵

You also appear to have played a role in FEMA's award of a \$9.5 million contract for N95 masks to Prestige Ameritech on April 7, 2020.⁶ Federal procurement records show that FEMA was "directed by the White House" to execute this no-bid contract.⁷ Mike Bowen, Executive Vice President of Prestige Ameritech, testified before a congressional committee that former White House Chief Strategist Stephen Bannon connected Mr. Bowen to you and Mr. Navarro after he appeared on Mr. Bannon's podcast in February 2020. After speaking with Mr. Navarro, Mr. Bowen said that he felt "pretty sure that my mask supply message will be heard by President Trump this week."⁸

⁴ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, et al., to Archivist of the United States David S. Ferriero, National Archives and Records Administration (Mar. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-03-30.Select%20Sub%20to%20Ferriero%20re%20NARA%20Supply%20Chain%20.pdf>).

⁵ 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).

⁶ USASpending.gov, *Purchase Order 70FB7020P00000018* (online at www.usaspending.gov/award/CONT_AWD_70FB7020P00000018_7022_-NONE_-NONE-) (accessed on Apr. 8, 2021); *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).

⁷ *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 on Apr. 8, 2021).

⁸ Committee on Energy and Commerce, *Hearing on Protecting Scientific Integrity in the COVID-19 Response* (May 14, 2020) (online at www.congress.gov/116/meeting/house/110749/documents/HHRG-116-IF14-Transcript-20200514.pdf); *In the Early Days of the Pandemic, the U.S. Government Turned Down an Offer to Manufacture Millions of N95 Masks in America*, Washington Post (May 9, 2020) (online at www.washingtonpost.com/investigations/in-the-early-days-of-the-pandemic-the-us-government-turned-down-an-offer-to-manufacture-millions-of-n95-masks-in-america/2020/05/09/f76a821e-908a-11ea-a9c0-73b93422d691_story.html).

Documents obtained by the Select Subcommittee also indicate that you were involved in discussions over a sole-source contract awarded to Phlow Corporation.⁹ On May 18, 2020, the Biomedical Advanced Research and Development Agency (BARDA) awarded Phlow a contract worth up to \$812 million over 10 years to manufacture active pharmaceutical ingredients and generic drugs. This was the largest contract ever awarded by BARDA, even though Phlow was a first-time government contractor that had incorporated just months earlier in January 2020.¹⁰ On March 31, 2020, during contract negotiations, Phlow's cofounder sent you an email, copying a White House official. The email indicated that Phlow had communicated with you about the contract and thanked you for "reaching out to Rick [Bright, then-Director of BARDA] to encourage our program and support its quick realization."¹¹ Other documents recently released by the Select Subcommittee show that BARDA awarded the contract after Mr. Navarro and other White House appointees urged agency officials to move forward, raising questions about whether appropriate diligence was performed and whether the contract is in taxpayers' best interest.¹²

On March 31, 2021, Select Subcommittee staff reached out to you to speak about your involvement in the federal government's response to the coronavirus and any related procurement or supply chain issues. You declined. Given that you are not a government official, the Select Subcommittee has questions regarding your apparent involvement in these questionable contracting decisions and the extent to which you assisted White House officials in circumventing federal procurement procedures.

For all of these reasons, please produce by April 23, 2021, all documents and communications in your possession, custody, or control related to your involvement in the federal government's response to the coronavirus or any related procurement or supply chain issues, including but not limited to communications with the White House, federal agencies, contractors, or others.

⁹ See 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).

¹⁰ USASpending.com, *Contract Summary: Phlow Corp.* (online at www.usaspending.gov/award/CONT_AWD_75A50120C00092_7505_-NONE_-NONE-) (accessed Apr. 8, 2021); *Generic Drugmaker Gets Contract to Make Covid-19 Medicines in U.S.*, Wall Street Journal (May 19, 2020) (online at www.wsj.com/articles/generic-drugmaker-gets-contract-to-make-covid-19-medicines-in-u-s-11589920608).

¹¹ 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).

¹² Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, et al., to Archivist of the United States David S. Ferriero, National Archives and Records Administration (Mar. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-03-30.Select%20Sub%20to%20Ferriero%20re%20NARA%20Supply%20Chain%20.pdf>).

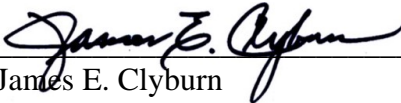
In responding to this request, responsive communications should include, but not be limited to, electronic messages sent to or from your personal email account(s) (including but not limited to your George Washington University email account), cell phone(s), or other messaging applications or software (including but not limited to text messages, instant messages, encrypted messages, and social media).

In addition, the Select Subcommittee requests an interview with you on May 4, 2021. Please confirm by April 16, 2021, that you will appear voluntarily for the interview.

These requests are consistent with the House of Representatives' authorization of 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 as well as "reports of waste, fraud, abuse, price gouging, profiteering, or other abusive practices related to the coronavirus crisis."¹³

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.

Sincerely,



James E. Clyburn

Chairman

Select Subcommittee on the Coronavirus Crisis

Enclosure

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

¹³ H.R. 8, sec. 4(f); H.R. 935, 116th Cong. (2020).

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.