

Congress of the United States
House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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<https://coronavirus.house.gov>

October 5, 2021

The Honorable David S. Ferriero
Archivist of the United States
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Dear Archivist Ferriero:

The Select Subcommittee on the Coronavirus Crisis is investigating waste, fraud, and abuse in the Coronavirus Aid, Relief and Economic Security (CARES) Act and other pandemic relief programs. On June 3, 2021, the Select Subcommittee launched an investigation into a \$700 million loan awarded by the Trump Administration to trucking company YRC Worldwide, now named Yellow Corporation (Yellow).¹ This loan constituted 95% of the \$735.9 million disbursed as part of a CARES Act program for businesses critical to maintaining U.S. national security to offset losses caused by the pandemic.² Troubling reports have called into question Yellow's eligibility for and use of those funds and raised concerns that the Department of the Treasury (Treasury) under the Trump Administration improperly approved this substantial national security loan to Yellow. The Select Subcommittee has obtained new evidence indicating that former White House officials may have been involved in helping Yellow to obtain this loan. Accordingly, we write to you to request Presidential archives necessary for the Select Subcommittee to conduct its investigation.

As the Subcommittee detailed in its June 3 letter to Yellow, evidence suggests there is serious reason to doubt that Yellow was "critical to maintaining national security"—a requirement for the CARES Act loan—yet the Department of Defense (DOD) certified that Yellow was critical to the maintenance of national security, and Treasury relied on this certification in approving the loan. Despite the CARES Act requirement that loans be made to offset "losses incurred as a result of the coronavirus," Yellow used about half of its loan funds for long-term capital investment.³

¹ Select Subcommittee on the Coronavirus Crisis, *Press Release: Select Subcommittee Launches Investigation into \$700 Million Loan Issued by Trump Administration to Troubled Trucking Company* (June 3, 2021) (online at <https://coronavirus.house.gov/news/press-releases/select-subcommittee-launches-investigation-700-million-loan-issued-trump>).

² Department of the Treasury, *Loans to Air Carriers, Eligible Businesses, and National Security Businesses* (online at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-industry/loans-to-air-carriers-eligible-businesses-and-national-security-businesses>) (updated January 21, 2021).

³ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Mr. Darren Hawkins, Chief Executive Officer, Yellow Corporation (June 3, 2021) (online at

New documents obtained by the Select Subcommittee show that Trump White House officials directly engaged with Yellow and its representatives regarding the company's application for this national security loan, took steps to communicate with Treasury officials regarding the loan application, and received communications from Treasury regarding the loan. For example, a document obtained by the Select Subcommittee indicates that former Deputy Assistant to the President Tim Pataki "committed to huddle with [White House political director] Brian Jack and then he would call Treasury on [Yellow's] behalf."⁴ Another document shows that Special Assistant to the President Joseph Russo later asked Yellow to specifically identify the company's contacts at Treasury.⁵ Other documents show that Yellow had continued contact with other White House offices and officials—including the Chief of Staff to National Economic Council (NEC) Director Larry Kudlow—as it sought a loan from Treasury, and that the "White House remains engaged and has been calling for updates frequently."⁶ These documents are consistent with public records, which show that Treasury Secretary Steven Mnuchin sent messages to White House Chief of Staff Mark Meadows, NEC Director Kudlow, and President Trump's personal assistant concerning the announcement of the loan to Yellow, suggesting that the highest-ranking White House officials may have been involved in the process of approving Yellow's loan.⁷

The White House's involvement in this matter is particularly concerning because of the potential conflict of interest presented by any involvement of White House Advisor Jared Kushner in the decision to make the loan to Yellow. In late 2019, shortly before the onset of the pandemic, Apollo Global Management LLC (Apollo) led a group that provided Yellow with a

<https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-06-03.Clyburn%20to%20Hawkins%20re%20Yellow%20Nat%20Sec%20Loans%20%281%29.pdf>).

⁴ Email from Erskine Wells, President, BGR Group, to Mike Kelley, Chief Sustainability Officer and VP External Affairs, YRC Worldwide et al. (May 6, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/1.%20Email%20from%20Erskine%20Wells%2C%20BGR%2C%20to%20Todd%20Metcalf%20and%20Rohit%20Kumar%2C%20PwC%2C%20and%20Mike%20Kelley%2C%20YRC%20Worldwide%20%28May%206%2C%202020%29.pdf>).

⁵ Email from Special Assistant to the President Joseph Russo, White House, to Mike Kelley, Chief Sustainability Officer and VP External Affairs, YRC Worldwide (May 27, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2.%20Email%20from%20Special%20Assistant%20to%20the%20President%20Joseph%20Russo%20to%20Mike%20Kelley%2C%20YRC.pdf>).

⁶ Email from Erskine Wells, President, BGR Group, to Mike Kelley, Chief Sustainability Officer and VP External Affairs, YRC Worldwide, et al. (May 4, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/3-4.%20Wells%2C%20Kelley%2C%20Metcalf%2C%20Kumar%2C%20Bailey.pdf>); Email from Mike Kelley, Chief Sustainability Officer and VP External Affairs, YRC Worldwide, to Christy Bailey, International Brotherhood of Teamsters (May 4, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/3-4.%20Wells%2C%20Kelley%2C%20Metcalf%2C%20Kumar%2C%20Bailey.pdf>).

⁷ Email from Secretary Steven Mnuchin, Department of the Treasury, to Chief of Staff Mark Meadows, Executive Assistant to the President Molly A. Michael, and Assistant to the President Larry Kudlow, White House (July 1, 2020) (online at www.documentcloud.org/documents/20989594-treas-20-0568-bcd#document/p1); Email from Secretary Steven Mnuchin, Department of the Treasury, to Chief of Staff Mark Meadows and Executive Assistant to the President Molly Michael, White House (July 1, 2020) (online at www.documentcloud.org/documents/20989594-treas-20-0568-bcd#document/p1).

\$600 million lifeline loan, giving Apollo a significant interest in Yellow's viability.⁸ In late 2017, Apollo had loaned \$184 million to Kushner's family business—in which Kushner maintained a significant personal interest—after Kushner met with an Apollo founder on multiple occasions in his capacity as a White House advisor. Shortly after the passage of the CARES Act, Apollo reportedly emailed Kushner and other government officials advocating for relaxed risk requirements in a pandemic loan program that Apollo stood to benefit from, suggesting the company may also have lobbied Kushner in other situations where the company had a financial interest in the administration of pandemic relief programs.⁹

The Select Subcommittee's review of Trump Administration White House records is necessary to determine whether White House officials pressured or directed Treasury to disregard CARES Act requirements related to Yellow's eligibility for and use of national security loan funds. Under the Presidential Records Act, those documents are now in the possession, custody, or control of the National Archives and Records Administration.

Please produce, by November 5, 2021, the following documents dated from March 1, 2020, to January 20, 2021:

1. All communications of White House officials (including, but not limited to, emails, email attachments, text messages, and other electronic messages sent through applications such as Signal, WhatsApp, or similar platforms) regarding (i) the Yellow Corporation (previously named YRC Worldwide inc.), (ii) any application for a loan through the CARES Act national security loan program, or (iii) Apollo Global Management; and
2. All calendar entries, calendar invitations, notes memorializing communications, and memoranda of White House officials concerning (i) the Yellow Corporation (previously named YRC Worldwide inc.), (ii) any application for a loan through the CARES Act national security loan program, or (iii) Apollo Global Management.

These requests are consistent with the House's authorization of the Select Subcommittee on the Coronavirus Crisis "to conduct a full and complete investigation" of "issues related to the coronavirus crisis," including "reports of waste, fraud, abuse, price gouging, profiteering, or other abusive practices related to the coronavirus crisis," and the "efficiency, effectiveness,

⁸ *Mnuchin Questioned on Treasury Loan to Apollo-Backed Firm*, Bloomberg (Dec. 10, 2020) (online at www.bloomberg.com/news/articles/2020-12-10/mnuchin-questioned-on-favorable-loan-to-apollo-backed-firm); *Watchdog Raises Possible Kushner Link to \$700 Million Rescue Loan*, Associated Press (Dec. 10, 2020) (online at <https://apnews.com/article/donald-trump-coronavirus-pandemic-trucking-jared-kushner-national-security-7e86f52d4bea1bdccfab30ac74767318>).

⁹ *Seeking Coronavirus Relief, Investment Firm with Ties to Kushner Emails Kushner, Trump Admin*, NBC News (Apr. 4, 2020) (online at www.nbcnews.com/politics/white-house/seeking-coronavirus-relief-investment-firm-ties-kushner-emails-kushner-trump-n1176686).

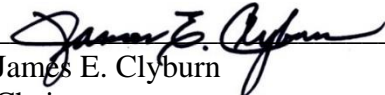
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equity, and transparency of the use of taxpayer funds and relief programs to address the coronavirus crisis.”¹⁰

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

Enclosure

cc: The Honorable Steve Scalise, Ranking Member

¹⁰ H.R. 8, sec. 4(f), 117th Cong. (2021); H.R. 935, 116th Cong. (2020).