

Congress of the United States  
Washington, DC 20515

April 10, 2020

The Honorable Peter T. Gaynor  
Administrator  
Federal Emergency Management Agency  
500 C Street SW  
Washington, DC 20024-2523

Dear Administrator Gaynor,

We write to follow up on reports that the Federal Emergency Management Agency (FEMA) is redirecting or seizing personal protective equipment (PPE), tests, and other essential medical supplies ordered by states, hospitals, and other health care providers as they respond to the Coronavirus Disease 2019 (COVID-19) pandemic. These reports are concerning given the opaque decision-making process associated with the seizures. It is critical that you provide additional information about your relevant processes so that health care providers, officials at all levels of government, and the public can make informed decisions to keep Americans safe and healthy.

On March 19, 2020, President Trump urged governors to independently procure PPE and other vital supplies for medical facilities in their states. The President's comments came after several states had requested additional aid from the federal government, as they feared dwindling supplies in the midst of the growing number of COVID-19 cases.<sup>1</sup> As a result, states have been bidding against each other as they scramble to purchase supplies, often at many times its normal cost.<sup>2</sup> All of these events have unfolded as the American Academy of Emergency Medicine reports that medical facilities across the country do not have adequate PPE on hand for doctors, nurses, and other health care workers.<sup>3</sup> We regularly hear stories of current or anticipated PPE shortages in the communities we represent.

However, recent reports have indicated that FEMA is now redirecting supplies ordered by states and health care providers at the urging of the President. Colorado had secured a shipment of 500 ventilators and Massachusetts had placed an order for 3 million masks, both of which were

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<sup>1</sup> Politico, *'We're not a shipping clerk': Trump tells governors to step up efforts to get medical supplies* (March 19, 2020). <https://www.politico.com/news/2020/03/19/trump-governors-coronavirus-medical-supplies-137658>.

<sup>2</sup> The Hill, *NY paying 15 times going rate to get crucial medical equipment: report* (April 2, 2020). <https://thehill.com/homenews/state-watch/490932-ny-paying-15-times-going-rate-to-get-crucial-medical-equipment-report>.

<sup>3</sup> NPR, *Doctors Say Hospitals Are Stopping Them From Wearing Masks* (April 2, 2020). <https://www.npr.org/2020/04/02/825200206/doctors-say-hospitals-are-stopping-them-from-wearing-masks>.

ultimately “swept up by FEMA.”<sup>4, 5</sup> Officials and health care providers in California, Florida, Washington, Illinois, Oregon, Alaska, and Texas have described similar experiences.<sup>6</sup>

It is our understanding that these incidents stem from FEMA’s efforts to create a “hybrid system of distribution” under which the agency directs half of all medical supplies brought in through Project Airbridge to areas with severe outbreaks of the virus. However, FEMA has not provided any information on the destinations of FEMA-directed shipments and how these areas are selected.

While we understand the importance of ensuring areas with the most need receive supplies, it is important that FEMA act in a transparent manner. States and health care providers need certainty so that they can make decisions that result in the best outcomes for the communities they serve. Additionally, opaque processes are much more susceptible to abuse.

With this in mind, we ask that you respond to the following with as much specificity as possible:

1. Please describe the protocols, policies, or processes you have in place to:
  - determine the types of medical supplies subject to your “hybrid system of distribution.”
  - determine the supply orders that are being selected for redirection/seizure.
  - communicate these decisions and their justification to entities that were expecting to receive the supply orders before FEMA redirection.
2. What protocols, policies, or processes are you operating under to determine the ultimate destination of redirected/seized medical supplies?
3. Have any redirected/seized medical supplies been distributed in a manner other than described in your response to the previous question?
4. What percent of Project Airbridge supplies are currently being sourced by the federal government?
5. Why was the decision made to not redistribute government sourced supplies through the Strategic National Stockpile?
6. Please provide the number of shipments and total quantities of medical supplies by type (N95 respirators, surgical masks, gowns, ventilators, etc.) that have been redirected/seized.

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<sup>4</sup> New York Times, ‘Swept Up by FEMA’: Complicated Medical Supply System Sows Confusion (April 6, 2020). <https://www.nytimes.com/2020/04/06/us/politics/coronavirus-fema-medical-supplies.html>.

<sup>5</sup> WCVB5, 3 million masks ordered by Massachusetts were confiscated in Port of New York, leading to creative alternative (April 2, 2020). <https://www.wcvb.com/article/3-million-masks-ordered-by-massachusetts-were-confiscated-in-port-of-new-york/32021700>

<sup>6</sup> Los Angeles Times, Hospitals say feds are seizing masks and other coronavirus supplies without a word (April 7, 2020). <https://www.latimes.com/politics/story/2020-04-07/hospitals-washington-seize-coronavirus-supplies>.

7. Please provide all relevant cost information associated with the shipments.

Thank you for your attention to this important matter. We look forward to your response.

Sincerely,



MIKE LEVIN  
Member of Congress

/s/  
GILBERT R. CISNEROS, JR  
Member of Congress

/s/  
JAMES P. MCGOVERN  
Member of Congress

/s/  
TOM MALINOWSKI  
Member of Congress

/s/  
LORI TRAHAN  
Member of Congress

/s/  
TED DEUTCH  
Member of Congress

/s/  
RASHIDA TLAIB  
Member of Congress

/s/  
GWEN MOORE  
Member of Congress

/s/  
STEPHEN F. LYNCH  
Member of Congress

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GRACE F. NAPOLITANO  
Member of Congress

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VERONICA ESCOBAR  
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JOHN B. LARSON  
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NANETTE DIAZ BARRAGÁN  
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JOSEPH P. KENNEDY, III  
Member of Congress

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ROSA L. DELAURO  
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ADRIANO ESPAILLAT  
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MARY GAY SCANLON  
Member of Congress

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ED CASE  
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GREG STANTON  
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SUSAN A. DAVIS  
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JULIA BROWNLEY  
Member of Congress

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JASON CROW  
Member of Congress

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LIZZIE FLETCHER  
Member of Congress

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MIKIE SHERRILL  
Member of Congress

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WILLIAM R. KEATING  
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TJ COX  
Member of Congress

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JAN SCHAKOWSKY  
Member of Congress

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DEBBIE DINGELL  
Member of Congress

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DINA TITUS  
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DONALD S. BEYER JR.  
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MARK POCAN  
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MIKE DOYLE  
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RAÚL M. GRIJALVA  
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ELEANOR HOLMES NORTON  
Member of Congress

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JERROLD NADLER  
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ABIGAIL D. SPANBERGER  
Member of Congress

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BOBBY L. RUSH  
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JOHN YARMUTH  
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HARLEY ROUDA  
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DAVID TRONE  
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DAVID CICILLINE  
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ELAINE G. LURIA  
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SCOTT PETERS  
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PRAMILA JAYAPAL  
Member of Congress

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JOHN GARAMENDI  
Member of Congress

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STEVE COHEN  
Member of Congress

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ALBIO SIRES  
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JUAN VARGAS  
Member of Congress

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JOE NEGUSE  
Member of Congress

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JERRY MCNERNEY  
Member of Congress

/s/  
BETTY MCCOLLUM  
Member of Congress

/s/  
JARED HUFFMAN  
Member of Congress

/s/  
MARCIA L. FUDGE  
Member of Congress