

United States Senate

WASHINGTON, DC 20510-1309

May 8, 2020

VIA ELECTRONIC DELIVERY

The Honorable Joseph V. Cuffari
Inspector General
Office of Inspector General
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305

Dear Inspector General Cuffari:

I write to request that the U.S. Department of Homeland Security Office of Inspector General (DHS OIG) conduct a comprehensive investigation into the Federal Emergency Management Agency's (FEMA) Supply Chain Stabilization Task Force (Task Force), including Project Air Bridge. The need for independent, transparent and timely oversight of FEMA's Task Force is urgent and I ask that DHS OIG prioritize this critical investigation.

Public reports and statements from State and local government officials indicate serious deficiencies in the Supply Chain Stabilization Task Force's effort to respond to the deadly coronavirus disease 2019 (COVID-19) pandemic. The failure to transparently share information with governmental entities that should be FEMA's State and local partners, along with the lack of information pertaining to the Task Force's operations, outcomes and management, raise serious questions over whether FEMA is complying with all applicable statutory requirements, regulatory requirements and agency policies, procedures and practices.

This Task Force's mission could not be more important: our healthcare heroes, which includes support staff and first responders, serving on the front-lines of the COVID-19 pandemic desperately need robust access to personal protective equipment (PPE) and critical medical supplies. Since workers in hospital and provider facility settings are at elevated risk of COVID-19 transmission with a high infectious dose - which may lead result in higher viral load and elevated rates of serious illness and death - how well our Nation increases production and distribution capacity and capabilities for PPE carries life or death consequences.

Contradictory statements also support the need for DHS OIG to conduct an independent inquiry into the Task Force's activities and operations. For example, on April 15, 2020, FEMA Administrator Peter Gaynor publicly refuted claims that FEMA was confiscating PPE, stating, "FEMA is neither seizing or taking PPE from local or State governments or taking PPE from hospitals or any commercial entity lawfully engaged in the PPE distribution." However, the behavior of Republican and Democratic Governors alike casts doubt on that assertion.

The Governor of Massachusetts reported that FEMA confiscated a shipment of one million N-95 respirator masks that his State had ordered at a port of entry in New York. In my home State of Illinois, Governor J.B. Pritzker was forced to discreetly and directly charter international flights delivering PPE and other medical supplies to our State due to fears that FEMA would seize the shipments upon arrival for undisclosed purposes or to replenish the national stockpile. The

Letter to the Honorable Joseph V. Cuffari
May 8, 2020
Page 2 of 2

Governor of Maryland's fear of FEMA confiscation was so significant that his State hid its inventory of COVID-19 testing kits purchased from a South Korean company at an undisclosed location, under the guard of Maryland National Guardsmen and State Police. This is not normal. Nor is such distrust or confusion surrounding FEMA operations limited to State Government entities.

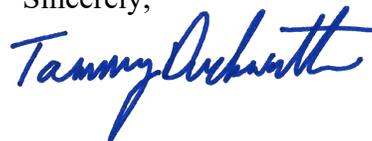
At the U.S. Department of Veterans Affairs (VA), the acting Executive in Charge of the Veterans Health Administration (VHA), Dr. Richard Stone, MD, revealed in an April 2020 interview, "I had 5 million masks incoming that disappeared," when admitting that VA supplies of PPE were reaching "austerity levels" at certain VHA facilities because VA was counting on its vendors to fulfill the Department's existing orders of PPE, but those shipments had been diverted away from VA and delivered to FEMA to be placed in the Strategic National Stockpile. According to one report, the VA Secretary was forced to personally intervene with top FEMA leadership just to secure a shipment of 500,000 masks, well short of the 5 million masks the Department had ordered to protect the dedicated VHA civil servants and the Veterans patients they serve.

Investigative reporting has also disclosed evidence of significant mismanagement and unacceptable secrecy plaguing a flagship Task Force initiative: Project Air Bridge. There appear to be dramatic discrepancies between public descriptions of Project Air Bridge's purported achievements and Federal acquisition data. More troubling, FEMA appears to be spending taxpayer dollars on subsidizing private medical supply company shipments of company inventory into the United States, without gaining much, if any, public or mission benefit. Former FEMA Administrator Craig Fugate was quoted in a Washington Post article highlighting the concerning aspect of this deal, "The fact is you're using taxpayer dollars to distribute private resources."

Congress enacted the Inspector General Act of 1978 to make sure that every agency contained an independent and objective unit to conduct and supervise audits and investigations relating to the programs and operations of the agency; to provide leadership and coordination and recommend policies for activities designed to promote economy, efficiency, and effectiveness in the administration of, and to prevent and to detect fraud and abuse in, such agency programs and operations; and to provide a means for keeping the head of the establishment and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

Simply put, Congress authorizes, appropriates and entrusts the DHS OIG with the vital statutory mission of auditing and investigating Federal programs and operations at risk of significant mismanagement or outright waste, fraud and abuse, such as FEMA's Task Force and Project Air Bridge. Thank you in advance for your consideration of my urgent request.

Sincerely,



Tammy Duckworth
United States Senator