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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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March 9, 2021

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

Dear Mr. Secretary:

The Committee on Homeland Security and Governmental Affairs is investigating the federal government's response to the novel coronavirus (COVID-19) pandemic. Senator Peters previously notified this Department on November 18, 2020 to preserve all documents and communications, including regarding the government's COVID-19 response. In addition, Senator Peters sent this Department a request for documents and information on December 21, 2020 related to its response to the COVID-19 pandemic. This letter reasserts that request.

The United States remains in the midst of a national and public health security crisis. More than a half million Americans have died from COVID-19 since the first cases were detected in the United States.¹ In addition, the nonpartisan Government Accountability Office found that “[a]s of December 2020, there were more than 10.7 million unemployed individuals, compared to nearly 5.8 million individuals at the beginning of the calendar year,” and further warned the “pandemic will likely remain a significant obstacle to more robust economic activity.”² The federal government's response has a decisive impact on efforts to save lives, restore the economy, and overcome the pandemic.

These deaths are unacceptable. The economic fallout must also be remedied. As such, we must examine and understand the federal government's response to the COVID-19 pandemic and any needed reforms to combat this and future pandemics. This includes understanding decisions regarding testing, distribution of medical supplies, and communications with the public, as well as answering questions surrounding public health, military, and intelligence warnings about the pandemic and potential political interference with scientific guidance. The Committee is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency and economy of operations of all branches of the Government.” To that end, please provide the following documents and communications as soon as possible, but no later than March 29, 2021:

¹ Centers for Disease Control and Prevention, *United States COVID-19 Cases and Deaths by State* (https://covid.cdc.gov/covid-data-tracker/#cases_casesper100klast7days).

² Government Accountability Office, *COVID-19: Critical Vaccine Distribution, Supply Chain, Program Integrity, and Other Challenges Require Focused Federal Attention* (GAO-21-265) (January 28, 2021).

Executive Branch Actions and Guidance to the Public

1. All documents and communications referring or relating to allocation of and changes to responsibilities within the Federal Emergency Management Agency (FEMA) in relation to the White House Coronavirus Task Force, the White House COVID-19 Response Team, the Department of Health and Human Services and the overall federal COVID-19 response, and coordination between the agencies, including but not limited to interagency agreements and memoranda of understanding.
2. All documents and communications referring or relating to former-President Trump's March 13, 2020, National Emergency Declaration and the Domestic Communication Strategy of the Department of Homeland Security (DHS) as it relates to COVID-19.
3. All documents and communications between DHS, FEMA, the White House, State Department, or the Centers for Disease Control and Prevention referring or relating to the decisions to close U.S. borders.
4. All DHS National Incident Communication Conference Line communications from December 2019 through the present referring or relating to COVID-19.
5. All forecasts and modeling performed by DHS referring or relating to the spread of COVID-19, emerging hotspots, or increased demand for medical supplies.
6. All organizational charts at DHS and FEMA referring or relating to the COVID-19 response.
7. All documents and communications referring or relating to the Unified Coordination Group, including without limitation, all establishment documents, including participating agencies, officials (current and former), and leadership structure, as well as FEMA's assumption of the role of lead federal agency and the delineation of roles and responsibilities between HHS and FEMA.
8. All documents and communications referring or relating to current COVID-19 response strategies.
9. All documents and communications referring or relating to COVID-19 requested by or provided to transition teams.

Strategic National Stockpile and Personal Protective Equipment

10. Documents sufficient to show the status of the Strategic National Stockpile (SNS), such as inventory reports or logs, from January 2009 to present.
11. Documents sufficient to identify all contracts for the acquisition of ventilators from January 2009 to present.

12. All documents and communications referring or relating to the use of the Defense Production Act; the acquisition and distribution of personal protective equipment (PPE); and the halting of export of critical medical supplies (testing and PPE).
13. All documents and communications referring or relating to Project Air Bridge, including but not limited to records of supply requests, supplies shipped, and the “VIP list” of providers.
14. All contracts or agreements (and supporting document, if applicable) either entered into or directing FEMA, the Supply Chain Stabilization Task Force, or Project Air Bridge to enter into contracts for medical supplies and PPE.
15. All documents and communications referring or relating to FEMA’s processes and protocols for obtaining critical medical supplies during national emergencies, including any changes to processes or protocols developed during the COVID-19 pandemic.
16. All documents and communications referring or relating to Supply Chain Stabilization Task Force, including but not limited to:
 - a. All documents and communications referring or relating to establishment of the Task Force, including lists of members of the Task Force (current and former), lists of participating government agencies or offices, organizational charts, and documents referring or relating to authorities or chain of command, including but not limited to documents identifying which offices determine allocation methodology, data model design, or resource allocations.
 - b. All documents and communications referring or relating to offices or personnel who made decisions regarding changes in management of the SNS during the pandemic and the methodology used to guide those decisions.
 - c. All documents and communications referring or relating to oversight of PPE acquisition responsibilities, including the transition from ASPR to FEMA and FEMA to the Defense Logistics Agency (DLA).
 - d. All documents and communications referring or relating to the processes by which states, localities, Tribes, and territories would request PPE and other critical medical supplies and how those processes differed from previous processes (*e.g.*, requests made through the SNS) and changed overtime.
 - e. All documents and communications with members of the National Resource Prioritization Cell, Project Air Bridge, and the White House referring or relating to determination of PPE distribution to states or listing individuals involved.
17. All documents and communications referring or relating to the National Resource Prioritization Cell, including but not limited to documents and communications referring or relating to the criteria for determining allocation of medical supplies to states, localities, Tribes, and territories, and:
 - a. All documents and communications referring or relating to the establishment of the National Resource Prioritization Cell, including documents that list the

members of this group (current and former), the organizational structure, and their respective decision-making roles or authorities.

- b. All documents and communications referring or relating to the methodology that informed federal PPE allocation and distribution priorities, the rationale behind the methodology or algorithm, or any data analyses and model designs.
 - c. All data elements and sources utilized by the National Resource Prioritization Cell to inform federal PPE allocation and distribution priorities, including but not limited to records reflecting assumptions and risk assessments used in the models to determine PPE allocations and model validation.
 - d. All documents and communications referring or relating to how the National Resource Prioritization Cell defined “hot spots” and prioritized PPE demands.
 - e. All reports generated by the National Resource Prioritization Cell, and documents that informed these reports including but not limited to data inputs, interagency analyses, industry analyses, or PPE estimates. Please include and specify all reports shared with the White House Coronavirus Task Force or the White House COVID-19 Response Team.
18. All documents and communications referring or relating to current strategies and guidance to agencies regarding use, maintenance, and allocation of the SNS and PPE supplies.

COVID-19 Testing and Vaccines

19. A list of all Community Based Testing Sites for COVID-19 including current status and funding structure, FEMA’s or HHS’s respective roles and responsibilities, and how testing site locations were chosen.
20. All documents and communications referring or relating to national testing and contact tracing strategies, including the planning and implementation of National Testing Centers.
21. All documents and communications referring or relating to the specific offices and personnel involved in FEMA’s testing supply distribution efforts.
22. All documents and communications referring or relating to current COVID-19 testing and vaccination strategies.

Additionally, we ask that you make any officials with relevant information available for interviews to provide information and testimony regarding the issues identified herein.

Please refer to the attached Schedule A for information on how to respond to this request and for the types of documents and communications to be provided. Unless otherwise indicated, all documents and communications responsive to these requests should be provided from January 2019 to present.

The Honorable Alejandro Mayorkas

March 9, 2021

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Thank you for your prompt attention and cooperation in this matter.

Sincerely,



Gary C. Peters
Chairman



Rob Portman
Ranking Member