

# United States Senate

WASHINGTON, DC 20510-1309

May 19, 2020

## VIA ELECTRONIC DELIVERY

The Honorable Peter T. Gaynor  
Administrator  
Federal Emergency Management Agency  
500 C Street SW  
Washington, DC 20472

Dear Administrator Gaynor:

I write to request a transparent and detailed justification explaining why a shipment of personal protective equipment (PPE) – specifically, the U.S. Department of Veterans Affairs’ (VA) order of five million masks – was diverted away from the VA and delivered to the Federal Emergency Management Agency (FEMA). As Dr. Richard Stone, M.D., Executive in Charge of the VA’s Veterans Health Administration (VHA), described this incident, “I had 5 million masks incoming that disappeared.”

The deadly coronavirus disease 2019 (COVID-19) pandemic has already killed more than 80,000 Americans. The Federal Government should prioritize providing PPE to the dedicated civil servants who serve with VA, and the hardworking employees of VA contractors, to protect the health of the VA workforce and the health of our Nation’s Veterans that receive high quality, affordable healthcare services through VHA. It is simply unacceptable that PPE supply shortages forced certain VA medical centers, hospitals and clinics to operate at what Dr. Stone described as “austerity levels.”

According to public reports, the VA’s order of five million masks was diverted to FEMA to replenish the Strategic National Stockpile (SNS). While making sure that the SNS is robustly resourced is a critical task (arguably one that should have been prioritized well before the COVID-19 pandemic), a decision to divert vital PPE away from VA medical centers, hospitals and clinics is a drastic step that should have only been executed if officials had a reasonable expectation that the failure to divert VA’s ordered PPE to FEMA would result in significant loss of life based on existing evidence and analysis.

Dr. Stone’s perspective on this incident, “I had 5 million masks incoming that disappeared,” suggests that FEMA’s Supply Chain Stabilization Task Force is acting without adequate transparency, coordination or communication. To make sure that the diversion of VA PPE to FEMA was warranted, I request that FEMA provide the following information no later than June 1, 2020:

1. FEMA’s analysis and evidence that justified diverting VA’s order of five million masks;
2. FEMA’s notification to VA that it was diverting the order of five millions masks;
3. FEMA’s analysis demonstrating that diverting the shipment of five million masks would not place VA personnel and patients at elevated risk of becoming infected during the COVID-19 pandemic;

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4. FEMA's analysis and planning documents detailing how the agency would make sure VA received all ordered PPE in a timely manner, despite the diversion of the five millions masks; and
5. An explanation, including analysis, of why FEMA only provided VA with 500,000 masks during the week of April 20, 2020 – despite Dr. Stone's comments that at one point during the COVID-19 pandemic, VA was burning through approximately 200,000 masks per day.

Please comply with this congressional oversight request in a manner that expedites delivery of the information. Electronic document production is preferred if it results in a more timely and efficient response.

An effective whole-of-government approach to respond to the COVID-19 public health emergency requires FEMA to transparently communicate with government partners and justify its decisions. This is particularly true when the Federal Government is diverting five million masks away from VA personnel that were counting on the delivery to protect themselves and the Veterans they serve throughout the Nation.

Thank you in advance for your cooperation with this oversight request and I look forward to reviewing your response.

Sincerely,



Tammy Duckworth  
United States Senator