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April 23, 2020

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

Dear Administrator Gaynor:

Thank you for your ongoing efforts to address the needs of our health care workers, first responders and local communities. I am writing to bring to your attention the growing concerns of many Members of Congress with the confusion around federal efforts to direct and re-direct Personal Protective Equipment (PPE) and other vital supplies to the medical frontlines as we are trying to deal with the COVID-19 pandemic. In particular, I am concerned about the lack of transparency in FEMA's diversion of medical supplies ordered from overseas suppliers by states and municipalities that are then transported to the United States via the Air Bridge program.

According to the April 8, 2020 FEMA Advisory *FEMA COVID-19 Supply Chain Task Force: Supply Chain Stabilization*, the agreement between FEMA and the distributors requires that in exchange for expediting the shipment of the supplies to the United States, 50 percent of the items on each Air Bridge flight are for customers in COVID-19 hotspots, with the other 50 percent to be used to fulfill orders for all other customers. While there is a clear need to get necessary supplies to hotspots, states who have had portions of their orders diverted, including my state of Massachusetts, have not been informed in advance about the diversion until their orders have arrived in the U.S. This lack of notice does not allow states to adequately protect their health care workers and first responders or care for their hospitalized patients and prepare for anticipated surges in illness.

I would appreciate responses to the following questions:

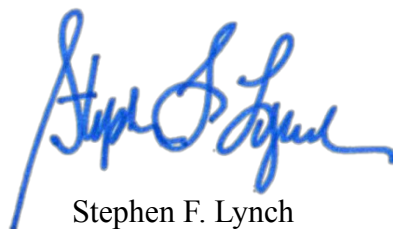
1. What are the criteria you use to determine which are the states that will receive diverted orders?
2. How regularly do you review these criteria to make adjustments to the list of hotspots that will receive the diverted supplies?
3. What kind of notice do you give to states or municipalities whose orders, in whole or in part, are diverted?
4. If you do not notify the states or municipalities are you working with the distributors to ensure that they notify those states and municipalities in a timely manner so as to allow them to make other arrangements to obtain the supplies they will not be receiving?
5. What steps are you going to take to ensure greater transparency in the Air Bridge program so states and municipalities that will have diverted orders will be able to adapt and seek other arrangements?
6. Which carriers and distributors are subject to the diversion requirements of the Air Bridge program?

I ask that you provide your response no later than May 8, 2020.

In closing, I urge FEMA to take the steps necessary to increase transparency within the Air Bridge program. The current arrangement which enables our purchases of critical supplies and PPE to suddenly disappear, actually obstructs our ability to plan and coordinate our local response to this crisis. The American people understand that as the COVID-19 pandemic runs its course it will hit its peak in different states at different times and the extra help given to one state today will be given to another state tomorrow. However, keeping state governments in the dark with an opaque process is injurious to our efforts. This pandemic is severely testing our nation, and the gravity of the crisis requires coordination, communication and transparency within and among all levels of government.

I look forward to your response.

Sincerely,



Stephen F. Lynch
Member of Congress