

Congress of the United States
Washington, DC 20515

August 4, 2020

Peter T. Gaynor
Administrator
Federal Emergency Management Administrations
500 C Street, SW
Washington, DC 20472-3210

Dear Administrator Gaynor:

We write in response to recent reports that many faulty masks, gowns, and gloves were sent to nursing home facilities by the Federal Emergency Management Agency (FEMA).¹ While we appreciate your leadership and acknowledge the enormous stress that the COVID-19 public health emergency has placed on your agency, we also recognize that appropriate personal protective equipment (PPE) is critical to protect the 1.5 million Americans living in nursing facilities as well as the front-line staff that care for them.

As you know, older Americans and individuals with disabilities living in nursing homes are at greater risk of being infected by, and dying from, COVID-19. Not only is the disease more fatal to adults over 60 and to those with underlying health conditions, but it spreads more easily through nursing homes where residents live in congregate settings and staff care for multiple residents in a facility. The virus has infected more than 335,000 residents at about 15,000 facilities. Of the infected, at least 59,000 residents and workers have died from COVID-19. These staggering numbers make up 42 percent—nearly half—of all COVID-19 deaths in the United States.²

Currently, medical-grade respirator masks, single-use gloves, and isolation gowns are among the best options for nursing homes to protect residents and staff from outbreaks. However, reports of your agency's inadequate and faulty equipment distribution paint a dismal picture: loose gloves stuffed into unmarked bags, masks made from underwear fabric, and plastic gowns without openings for the hands.³ Not only are these reports of your failure to provide functional and appropriate PPE an embarrassment to FEMA and the federal government, but this equipment—intended to protect—put our already at-risk patients and staff at increased risk for infection. Moreover, this series of mistakes further undermines public trust in an institution they should be relying on for leadership and assistance during this pandemic.

We need to understand how, and the level at which, faulty equipment was sent to nursing homes, how it has impacted residents and staff, and how your agency plans to prevent such errors in the future. In light of these concerns, we ask that you please provide responses to the following.

¹ <https://www.nytimes.com/2020/07/24/health/coronavirus-nursing-homes-PPE.html>

² <https://www.nytimes.com/interactive/2020/us/coronavirus-nursing-homes.html>

1. What are your plans to send medical-grade replacement equipment to each facility that received faulty PPE?
2. Please provide a detailed summary of the distribution of faulty PPE, including exactly how many facilities have reported receiving faulty equipment, the names and locations of these facilities, and how many pieces were faulty.
3. Please provide a detailed timeline of the distribution of faulty PPE, including its discovery, any investigation of its scope and source, notification to facilities, and notification to senior FEMA officials.
4. Please describe FEMA's efforts to identify the scope of affected residents and facilities.
5. Please outline any other instance where FEMA distributed faulty equipment and how FEMA rectified the situation?
6. Please describe FEMA's plan to prevent faulty equipment distribution in the future.
7. What steps has FEMA taken to identify and limit potential resident or staff harm associated with this incident?
8. Does FEMA have procedures in place to receive and act on reports of faulty equipment distribution?
 - a. If so, please describe these procedures and when they were implemented.
 - b. When FEMA was first notified of the faulty equipment distribution what immediate steps did it take to address the issue?
9. Which private contractors or subcontractors hired to provide the supplies are responsible for the distribution of the faulty equipment?
10. What process does FEMA have in place for evaluating contractors prior to, and during, their contract?
 - a. What process does FEMA have in place to ensure that the contractors it relies on responsibly distribute effective equipment?
 - b. Is FEMA planning to end its contract with the contractors who distributed the faulty equipment to nursing homes?
11. Will FEMA be seeking refunds from contractors for the faulty equipment distributed?

12. Please describe the resources FEMA dedicates to monitoring and evaluating the quality of the equipment it provides.
13. Has FEMA considered appointing a single position to oversee the collection, purchase, and distribution of PPE gear nationwide?
14. As cases continue to rise, does FEMA plan to provide nursing homes with additional medical-grade personal protective equipment in the months ahead?
15. Have there been reports of increased cases or fatalities in the facilities that have reported receiving faulty equipment?

Thank you for your consideration of this critical issue. We request a response to our inquiry by Monday, August 17, 2020 and look forward to working with you going forward on this important issue.

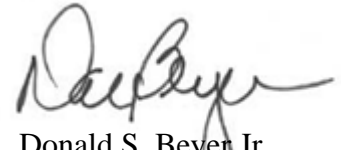
Sincerely,



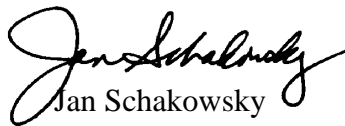
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