

Congress of the United States
Washington, DC 20515

May 22, 2020

The Honorable Donald J. Trump
President
The White House
Washington, D.C. 20500

Dear Mr. President:

We are deeply concerned with recent reports that you are providing critical, life-saving ventilators to Russia when they are urgently needed here in the United States to combat the coronavirus crisis and save American lives.

The United States has had more coronavirus cases and deaths than any nation on Earth. At almost 100,000 fatalities, the United States has had more coronavirus deaths than the next several highest countries combined.¹ The United States currently has a maximum of approximately 160,000 ventilators available for use, and according to a recent article in the *New England Journal of Medicine*, “No matter which estimate we use, there are not enough ventilators for patients with Covid-19 in the upcoming months.”²

Despite this urgent need for ventilators here in the United States, you have decided to send hundreds of ventilators to Russia. According to a State Department spokesperson, “in response to President Putin’s request for assistance,” you “offered to donate and deliver 200 ventilators to the Russian people” as you seek “a better relationship with Russia.”³

This week, your Administration submitted a notification to Congress stating that your gift to President Putin of “ventilators and related commodities and consumables” will cost the American taxpayers \$5.6 million.⁴ You are making this commitment despite Russia’s nearly \$1.7 trillion gross domestic product,⁵ and you are utilizing extraordinary authorities to overcome

¹ Center for Health Security, Johns Hopkins University of Medicine, *COVID-19 Dashboard* (accessed May 20, 2020) (online at <https://coronavirus.jhu.edu/>).

² *Critical Supply Shortages—The Need for Ventilators and Personal Protective Equipment During the Covid-19 Pandemic*, *New England Journal of Medicine* (Apr. 30, 2020) (online at www.nejm.org/doi/full/10.1056/NEJMp2006141).

³ *US Sends 200 Ventilators to Russia as Crisis Deepens, Hopes for ‘Better Relationship’*, *CNBC* (May 20, 2020) (online at www.cnn.com/2020/05/20/us-sends-200-ventilators-to-russia-as-coronavirus-crisis-deepens.html).

⁴ U.S. Agency for International Development, *Congressional Notification #173* (May 18, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/CN%20%23173%20GLOBAL%20HEALTH%20%28Russian%20Federation%29%20%28GlobalHealthSecurity-Coronavirus%29%20%28Emergency%20Circumstances-sec%207015e%29.pdf>).

⁵ The World Bank, *The World Bank in Russia* (Apr. 16, 2020) (online at www.worldbank.org/en/country/russia/overview)

the myriad of restrictions Congress has placed on providing U.S. funding to Russia.⁶

To be clear, we are not suggesting that the United States is not, or could never be, in a position to contribute ventilators and other critical medical supplies to countries that are truly in need. But it does not appear that your Administration has any policymaking process in place to determine whether these ventilators are going to the countries where they are needed most and whether their delivery will advance our national security and foreign policy interests.

Instead, it appears you may be providing or selling ventilators to other countries as gifts or favors to serve your own political or personal interests without any meaningful strategic justification, thorough interagency process, or policy rationale for doing so.

It is imperative that the United States remain engaged overseas and be part of the global solution to the coronavirus pandemic. But we must first ensure that cities and hospitals across the United States can address their own ventilator shortages. Then, we must ensure that any deliveries of ventilators overseas go to countries that need them, while furthering U.S. foreign policy interests in support of our allies, partners, and vulnerable populations. The use of American taxpayer dollars to purchase and deliver ventilators overseas cannot and should not be used as political favors.

For all of these reasons, we request that you produce the following documents and information by June 4, 2020:

1. Complete and unredacted flight manifests for U.S. ventilator shipments to foreign governments or entities;
2. Complete and unredacted invoice documents and payment records for the purchase of ventilators from the U.S. by foreign governments or entities;
3. A complete and unredacted list of Sub-Policy Coordinating Committee (PCC), PCC, Deputies Committee, Principals Committee, and National Security Council meetings in which the shipment of ventilators has been discussed, as well as all records, notes, and summary documents of the listed meetings;
4. Any and all assessments produced by the U.S. Agency for International Development related to the availability of, needs for, or requests for ventilators overseas, broken down by country;
5. Full summaries of any and all conversations between yourself and President Putin during which the shipment of ventilators was discussed.

If you have any questions regarding this request, please contact the Committee on Oversight and Reform at (202) 225-5051, the Committee on Foreign Affairs at (202) 225-5021,

⁶ The Administration plans to rely on “notwithstanding” authority under Section 7058(a) of the State, Foreign Operations, and Related Programs Appropriations Act for Fiscal Year 2020 or other similar authorities.

The Honorable Donald J. Trump
Page 3

the Committee on Appropriations at (202) 225-2771, or the Select Subcommittee on the Coronavirus Crisis at (202) 225-4400.

Sincerely,



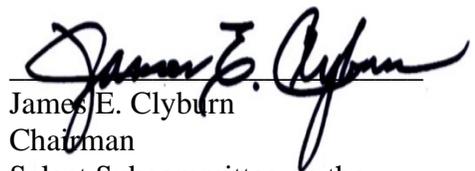
Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Eliot L. Engel
Chairman
Committee on Foreign Affairs



Nita M. Lowey
Chairwoman
Committee on Appropriations



James E. Clyburn
Chairman
Select Subcommittee on the
Coronavirus Crisis



Stephen F. Lynch
Chairman
Subcommittee on National Security
Committee on Oversight and Reform

Enclosure

cc: The Honorable Jim Jordan, Ranking Member
Committee on Oversight and Reform

The Honorable Michael McCaul, Ranking Member
Committee on Foreign Affairs

The Honorable Kay Granger, Ranking Member
Committee on Appropriations

The Honorable Steve Scalise, Ranking Member
Select Subcommittee on the Coronavirus Crisis

The Honorable Glenn Grothman, Ranking Member
Subcommittee on National Security
Committee on Oversight and Reform

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.