

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

March 26, 2020

The Honorable Mark T. Esper  
Secretary of Defense  
Department of Defense  
1000 Defense Pentagon  
Washington D.C. 20301

Dear Secretary Esper:

Our top priority as we face the ongoing coronavirus crisis is to promote the health and safety of the American people, which includes the men and women of our Armed Forces and Department of Defense (DOD) civilian personnel. Given widespread shortages of personal protective equipment, severe shortfalls of ventilators and other critical medical equipment, and a dangerous lack of hospital bed capacity in the United States, the Subcommittee is seeking information about DOD's preparedness to respond to a potential coronavirus outbreak among military and civilian DOD personnel stationed overseas.

In the coming days and weeks, DOD increasingly will be called upon to help support the domestic U.S. response to the coronavirus pandemic, while simultaneously protecting its own personnel, our men and women and uniform, and their families stationed overseas. It is critical that Congress have a complete understanding of the equipment and supplies currently available to DOD so that we can successfully achieve both national security imperatives.

The widespread equipment and personal protective equipment shortages in the United States are well-documented.<sup>1</sup> To help mitigate these shortfalls, on March 17, 2020, you announced that DOD was prepared to provide medical and logistical support to the Administration's "whole-of-government" response to the coronavirus pandemic. In particular,

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<sup>1</sup> See 'At War With No Ammo': Doctors Say Shortage of Protective Gear Is Dire, New York Times (Mar. 19, 2020) (online at [www.nytimes.com/2020/03/19/health/coronavirus-masks-shortage.html](http://www.nytimes.com/2020/03/19/health/coronavirus-masks-shortage.html)); *L.A. County Gives Up on Containing Coronavirus, Tells Doctors to Skip Testing Some Patients*, Los Angeles Times (Mar. 20, 2020) (online at [www.latimes.com/california/story/2020-03-20/coronavirus-county-doctors-containment-testing](http://www.latimes.com/california/story/2020-03-20/coronavirus-county-doctors-containment-testing)); *HHS Clarifies US Has About 1% of Face Masks Needed for 'Full-Blown' Coronavirus Pandemic*, CNBC (Mar. 4, 2020) (online at [www.cnbc.com/2020/03/04/hhs-clarifies-us-has-about-1percent-of-face-masks-needed-forfull-blown-pandemic.html](http://www.cnbc.com/2020/03/04/hhs-clarifies-us-has-about-1percent-of-face-masks-needed-forfull-blown-pandemic.html)); *U.S. Hospital Workers Are Making Masks, Protective Gear from Office Supplies Amid Equipment Shortage*, Time Magazine (Mar. 18, 2020) (online at [www.time.com/5805557/homemade-medical-face-maskshortage/](http://www.time.com/5805557/homemade-medical-face-maskshortage/)).

you announced that DOD would make available five million N-95 respirator masks, as well as up to 2,000 deployable ventilators.<sup>2</sup>

To date, more than 415 DOD personnel have been diagnosed with coronavirus, including more than 225 servicemembers and at least 65 dependents.<sup>3</sup> On March 20, 2020, U.S. European Command (EUCOM) Commander General Tod Wolters announced that 35 EUCOM personnel had tested positive for coronavirus, and 2,600 were “of concern” and in self-isolation for possible exposure.<sup>4</sup> On March 24, 2020, four NATO servicemembers in Afghanistan tested positive for coronavirus, although their nationalities were not confirmed.<sup>5</sup> To date, eight sailors aboard the USS Theodore Roosevelt have also tested positive.<sup>6</sup>

To help the Subcommittee determine whether DOD is adequately prepared to respond to a coronavirus outbreak among overseas military and civilian personnel and to help inform future legislation, please provide answers to the following questions by April 1, 2020:

1. How many COVID-19 diagnostic tests does DOD have available to its overseas military and civilian personnel?
2. Where are DOD personnel being taken or quarantined for medical treatment overseas when diagnosed with COVID-19? Are there additional sites that could also serve this purpose?
3. For each location identified in (#2) above, please provide the number of available:
  - a. hospital beds;
  - b. intensive care units;
  - c. ventilators;
  - d. N-95 respirator masks;
  - e. surgical masks;
  - f. face shields;

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<sup>2</sup> Department of Defense, *Secretary of Defense Dr. Mark T. Esper Press Briefing* (Mar. 17, 2020) (online at [www.defense.gov/Newsroom/Transcripts/Transcript/Article/2115648/secretary-of-defense-dr-mark-t-esper-press-briefing](http://www.defense.gov/Newsroom/Transcripts/Transcript/Article/2115648/secretary-of-defense-dr-mark-t-esper-press-briefing)).

<sup>3</sup> Department of Defense, *DoD COVID-19 Update* (Mar. 25, 2020).

<sup>4</sup> Department of Defense, *Remarks by General Wolters in a Press Briefing via Teleconference on COVID-19 Response* (Mar. 20, 2020) (online at [www.defense.gov/Newsroom/Transcripts/Transcript/Article/2120572/remarks-by-general-wolters-in-a-press-briefing-via-teleconference-on-covid-19-r](http://www.defense.gov/Newsroom/Transcripts/Transcript/Article/2120572/remarks-by-general-wolters-in-a-press-briefing-via-teleconference-on-covid-19-r)).

<sup>5</sup> *Four NATO Service Members Arriving in Afghanistan Test Positive for Coronavirus*, New York Times (Mar. 24, 2020) (online at [www.nytimes.com/reuters/2020/03/24/world/asia/24reuters-health-coronavirus-afghanistan.html](http://www.nytimes.com/reuters/2020/03/24/world/asia/24reuters-health-coronavirus-afghanistan.html)).

<sup>6</sup> *Eight Sailors from USS Theodore Roosevelt Have Coronavirus, Raising Concerns About Pandemic's Strain on Military, Defense Officials Say*, USA Today (Mar. 25, 2020) (online at [www.usatoday.com/story/news/politics/2020/03/24/coronavirus-3-sailors-test-positive-military-readiness-affected/2910165001/](http://www.usatoday.com/story/news/politics/2020/03/24/coronavirus-3-sailors-test-positive-military-readiness-affected/2910165001/)).

- g. surgical gowns;
  - h. isolation gowns;
  - i. goggles;
  - j. disposable caps;
  - k. disposable shoe covers;
  - l. disposable gloves; and
4. Please provide an assessment of whether the items identified in (#3) above will be sufficient to respond to a potential coronavirus outbreak among overseas DOD personnel in a worst, best, and most-likely case scenario.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



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Stephen F. Lynch  
Chairman  
Subcommittee on National Security

cc: The Honorable Jody B. Hice, Ranking Member  
Subcommittee on National Security

## Responding to 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 Committees.
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 Committees' 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 Committees 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 Committees 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 Committees' 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 on Oversight and Reform, 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. When documents are produced to the Committee on Financial Services, production sets shall be delivered to the Majority Staff in Room 2129 of the Rayburn House Office Building and the Minority Staff in Room 4340 of the O'Neill House Office Building. When documents are produced to the Permanent Select Committee on Intelligence, production sets shall be delivered to Majority and Minority Staff in Room HVC-304 of the Capital Visitor Center.
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.