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United States Senate

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President Donald J. Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Trump,

The coronavirus crisis in the United States has already infected thousands of Americans. Your administration must take immediate, aggressive action to help prevent a worst-case scenario — one in which hundreds of thousands or millions more become infected, overwhelming hospitals, and leaving them without sufficient medical equipment and supplies to test and treat affected individuals. I therefore call on your administration to immediately use existing authorities under the Defense Production Act (DPA) to facilitate and support increased private production of personal protective equipment (PPE), medical supplies and devices such as ventilators, and diagnostic testing supplies.

Today, our hospitals face a serious shortage of protective equipment for staff and infected patients, including gowns, gloves, face shields, surgical masks, N95 respirators, disinfectant wipes, and hand sanitizers. The Department of Health and Human Services estimates that the United States could need up to 3.5 billion respirators, but the Strategic National Stockpile holds only a tiny fraction of that, with 12 *million* respirators.¹ States like Washington are already running out of supplies and putting in requests to the stockpile, which will soon be depleted. With hospitals already facing shortages of both protective equipment and testing supplies, our nation needs to move quickly to prepare for not just the next three weeks but the next three months and beyond.

Additionally, hospitals and labs across the nation are trying to ramp up testing capacity but are already facing shortages of test kits and other supplies needed to administer diagnostic tests. We are finally beginning to expand access to coronavirus testing, but in order to control the outbreak and respond appropriately we will need to dramatically scale up testing and ensure our continued ability to test. We must immediately produce swabs, viral transport media, and other testing materials.

¹ Tessa Berenson, *States Need Medical Supplies to Fight Coronavirus. Can the National Stockpile Keep Up With Demand?* Time (Mar. 10, 2020), <https://time.com/5800200/strategic-national-stockpile-coronavirus/>.

The Defense Production Act of 1950 authorizes the president to mobilize domestic industry for reasons including emergency preparedness under the Stafford Act.² Under Title I of the DPA, the president can prioritize domestic production of supplies such as PPE to ensure adequate stockpiles, essentially ensuring that the federal government will serve as a customer for private production of key medical supplies. Under Title III, the president can provide economic incentives to secure this domestic production, which may include loans, direct purchases, and purchase commitments. Under Title VII, the president can establish voluntary agreements with private industry as well as establish a volunteer pool of industry executives who can be called to government service in the interest of the national defense.

Fully utilizing these authorities can spur our industries to immediately ramp up production of PPE, COVID-19 testing supplies, and other medical necessities. We need to identify companies that are able to domestically produce these critical supplies, and, to spur production, provide purchase commitments and other financial incentives and assurances to them. It is imperative that you utilize the authorities of the DPA to activate our capable and talented domestic industry and bring the full power of the federal government to bear in responding to this crisis. I urge you to take that action immediately.

Sincerely,



Edward J. Markey
United States Senator

² 50 U.S.C. §§ 4501 et seq.