

United States Senate

WASHINGTON, DC 20510-1309

April 3, 2020

VIA ELECTRONIC DELIVERY

Vice President Michael Pence
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Vice President Pence:

We write to express our deep concern regarding the distribution of medical supplies to hospitals, frontline providers and first responders across the Nation during the COVID-19 pandemic. Significant attention has rightly been focused on supply shortages of critical personal protective equipment (PPE), laboratory supplies necessary to carry out COVID-19 real-time reverse transcription polymerase chain reaction (rRT-PCR) diagnostic tests, and life-saving ventilators, but more needs to be done to address the problem.

While the recently established Supply Chain Stabilization Task Force was established to address the limited supply of critical medical supplies, the White House Coronavirus Task Force must take swift action to direct the Federal Government to actively coordinate the distribution of vital medical supplies. We must ensure scarce equipment is delivered in a timely manner to the regions that are hardest hit by COVID-19 infections and are facing a forthcoming wave of seriously ill patients who will require hospitalization in an intensive care unit.

Effective and efficient logistics management and supply chain operations will be vital in expanding diagnostic testing capacity and protecting frontline health workers and first responders, while enabling our healthcare system to mitigate the adverse impact of ventilator shortages by surging shipments of limited equipment to healthcare systems facing a patient overload in the coming days. A national, coordinated response will also prevent State and local governments from wasting valuable time and resources competing against one another and the Federal Government for the same medical equipment and PPE.

Accordingly, we request that the White House Coronavirus Task Force immediately assign the Federal Emergency Management Agency (FEMA) with the task of establishing a centralized procurement and distribution process based on need for PPE, medical and lab supplies, and ventilators to ensure transparency and efficiency. The Task Force should also direct the Department of Defense (DOD), including the Defense Logistics Agency (DLA) and U.S. Transportation Command (USTRANSCOM), as well as the U.S. Department of Health and Human Services (HHS), to provide support and resources at the direction of FEMA for this task.

To support this task, the President should direct FEMA to exercise authority under the Defense Production Act of 1950 (DPA) to require private sector logistics and supply chain management companies to accept and prioritize the execution of Federal contracts to efficiently distribute equipment to State, local and tribal public health authorities and frontline hospitals and healthcare providers.

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Exercising statutory authority under the DPA is not an extreme or unusual step. The U.S. Department of Defense estimates that it uses DPA legal authority approximately 300,000 times per year, and in 2018 alone, FEMA used the DPA to place hundreds of priority rated contracts and orders to ensure timely delivery of resources needed to house and feed disaster survivors and first responders, communications equipment, information technology and logistics requirements for disaster response and recovery operations.

Many private sector firms, including retailers, technology firms and shippers, possess extensive expertise, experience and infrastructure required to efficiently ship goods throughout the country. Furthermore, if the private sector distribution and shipping industry lacks sufficient air mobility capacity, the DPA authorizes the President to activate the Civil Reserve Air Fleet (CRAF) to enhance our Nation's air mobility capabilities and capacity by opening up access to additional cargo and passenger aircrafts.

Additionally, the President should direct FEMA to fully utilize the authority under the DPA to provide economic incentives to activate domestic industrial capabilities essential to meet national defense and homeland security requirements. These economic incentives could include loans, loan guarantees, direct purchases and purchase commitments, and the authority to procure and install equipment in private industrial facilities.

Now is the time to mobilize our tremendous national assets to provide our brave frontline health workers and first responders with desperately needed PPE, provide diagnostic testing laboratories with critical supplies and surge scarce, life-saving ventilators to hot spot regions that are facing a coming wave of seriously ill patients. The COVID-19 pandemic is a daunting public health challenge that requires dramatic and decisive leadership to marshal every national resource towards supporting our dedicated healthcare sector employees, support staff, first responders and National Guard troops.

Fortunately, the Defense Production Act of 1950 provides the Federal Government with statutory authority to make sure private sector entities join and prioritize this effort; FEMA has extensive existing partnerships with State and local governments; and agencies such as DLA and TRANSCOM employ a talented acquisition workforce that is ready and able to efficiently write and award contracts required to carry out this important mission. We thank you in advance for your consideration of our urgent request.

Sincerely,



Tammy Duckworth
United States Senator



Amy Klobuchar
United States Senator



Gary C. Peters
United States Senator



Thomas R. Carper
United States Senator

/U/

Mazie K. Hirono
United States Senator



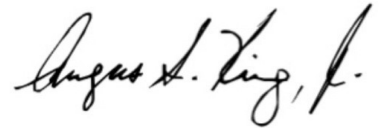
Jeffrey A. Merkley
United States Senator



Jon Tester
United States Senator

/S/

Chris Van Hollen
United States Senator



Angus S. King, Jr.
United States Senator

/S/

Jack Reed
United States Senator

/S/

Jacky Rosen
United States Senator



Richard J. Durbin
United States Senator

/S/

Elizabeth Warren
United States Senator



Debbie Stabenow
United States Senator

/S/

Kirsten Gillibrand
United States Senator



Tammy Baldwin
United States Senator



Richard Blumenthal
United States Senator



Kamala D. Harris
United States Senator

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/S/



Robert P. Casey, Jr.
United States Senator

Ron Wyden
United States Senator

CC:

The Honorable Peter Gaynor, Administrator, Federal Emergency Management Agency
The Honorable Alex Azar, Secretary, U.S. Department of Health and Human Services
The Honorable Ellen M. Lord, Under Secretary of Defense for Acquisition and Sustainment
General Stephen R. Lyons, Commander, U.S. Transportation Command
Lieutenant General Darrell K. Williams, Director, Defense Logistics Agency