

Congress of the United States
Washington, DC 20515

April 8, 2020

Donald J. Trump
President of the United States
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Trump:

We write with deep concern about the lack of clear coordination to procure and prioritize necessary personal protective equipment (PPE), ventilators, testing kits, and other critical medical resources to meet the United States' needs amidst the global COVID-19 pandemic. We understand there are numerous task forces and councils discussing this issue, but want to reiterate the dire need to aggregate our nation's demand, and your vital role to move quickly in awarding contracts to companies to produce these goods. It is clear that multiple industries along the medical supply and equipment supply chain are willing to assist, and while the Administration has partially invoked the Defense Production Actⁱ (DPA), now is the time to use every authority available to the federal government, including emergency contracting proceduresⁱⁱ, to shorten the delivery timeline to American communities in urgent need. The safety and lives of our health care, first responder, and essential workforces are counting on bold actions which meet the magnitude of the crisis.

We recognize and appreciate the significant role the Joint Acquisition Task Forceⁱⁱⁱ at the Department of Defense and U.S. agencies^{iv} have already played in attempting to mitigate this tragedy and acknowledge that current circumstances present a difficult and complex environment for efficient, needs-based delivery of PPE and testing, but we must do all we can to ensure that Americans are protected to the maximum extent possible. It has been four weeks since the COVID-19 pandemic was declared a national emergency, yet we still lack a coherent strategy and the level of tactical contracting that leverages all federal agencies' ability to tap into their existing networks to fully assess and utilize the commercial sector's ability to assist.

It is time to utilize other authorities available under DPA. By exercising prioritization mechanisms under DPA^v, the Administration has both the opportunity to directly protect front line workers and incentivize states to further coordinate with each other with the knowledge that

additional vital protective equipment orders will be fulfilled. As you know, the response to this crisis requires a whole of government effort, which means FEMA and HHS must use every tool at their disposal, including utilizing the contracting expertise and manpower available at the Department of Defense and other federal agencies through necessary assisted acquisitions, interagency agreements, and logistical support.

Every day that goes by without the award of targeted contracts increases risk of damage to our nation's health. Contracts would provide a clear demand signal from the federal government regarding the rapidly growing need to incentivize companies to pivot to producing medical supplies. In light of the global COVID-19 pandemic, we urge you to accelerate the timeline for issuing contracts under disaster authorities, assess the U.S. demand in light of the use of the Strategic National Stockpile^{vi} for U.S. response including for the benefit of state response efforts, and allow federal agencies to leverage their assets and industry partners to combat this disease in every way possible. The federal government should be coordinating with states to procure and distribute supplies, not forcing them into a bidding war. With a clear strategy to issue contracts for PPE, ventilators, and testing to identify positive cases and antibodies for those who have had the virus, we can assist the healthcare professionals in dire need. More can be done to leverage industry and researchers' ability to help curb this pandemic.

We look forward to your response and a clear, coordinated strategy as soon as possible.

Sincerely,



Adam Smith
Chairman
House Committee on Armed Services
AS:hnl



Frank Pallone, Jr.
Chairman
House Committee on Energy and Commerce
FP:kt



Bennie G. Thompson
Chairman
House Committee on Homeland Security
BGT:an

cc:

The U.S. Department of Health and Human Services
The U.S. Department of Homeland Security
The U.S. Department of Defense

i 50 U.S.C. 4501 *et seq*

ii Federal Acquisition Regulation Part 18

iii <https://www.acq.osd.mil/jatf.html>

iv <https://www.acquisition.gov/coronavirus>

v 50 U.S.C. 4511

vi 42 U.S.C. 247d-6b