

# United States Senate

WASHINGTON, DC 20510-1309

March 19, 2020

## VIA ELECTRONIC DELIVERY

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

Dear President Trump:

I write to express my alarm and disappointment in your twitter post last evening that stated: “I only signed the Defense Production Act to combat [COVID-19] should we need to invoke it in a worst case scenario in the future. Hopefully there will be no need, but we are all in this TOGETHER!” As you should be aware, there was no need for you to sign the Defense Production Act (DPA). President Harry Truman signed the DPA into law on September 8, 1950.

What our Nation does need from you, right now, is decisive action under the DPA. Hope is not plan, and the United States is already far behind in preparing to handle the worst case scenarios related to the COVID-19 pandemic. There is an urgent need to immediately exercise emergency authority under the DPA to boost production of vital medical devices, equipment and supplies that will be critical to saving lives of Americans suffering serious illness from COVID-19.

The United States is facing an urgent public health crisis. Failure to slow the rate of transmission of COVID-19 will result in the sudden overload of our Nation’s healthcare system. We simply do not have adequate infrastructure, personnel or medical supplies to handle a flood of patients suffering serious illness as a result of COVID-19.

As the recent study published by the Imperial College COVID-19 Response Team on March 16, 2020 demonstrated, models indicate that even if the United States succeeds in implementing optimal mitigation policies (home isolation, home quarantine and social distancing of the elderly and others at most risk of severe disease) to reduce peak healthcare demand by two-thirds and cut deaths in half, “...the resulting mitigated epidemic would still likely result in hundreds of thousands of deaths and health systems (most notably intensive care units) being overwhelmed many times over.”

That is why urgent action is required now to boost our healthcare system’s emergency surge capacity to the greatest extent possible before regions of the United States begin to experience waves of severely ill patients overwhelming hospital systems and forcing providers to implement triage strategies that require making literal life and death decisions, as they are forced to choose who will live and who will die as a result of being provided access to life-saving medical devices, such as ventilators.

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The DPA was enacted to deal with such dire and extreme national emergencies. Accordingly, I am requesting that you immediately exercise your emergency authority under Title I of the DPA to require that all businesses involved in the ventilator supply chain immediately accept the award of Federal contracts that will require each company to prioritize all resources towards manufacturing such ventilators.

In addition, I strongly urge you to concurrently exercise your authority to allocate and control the general distribution of materials, services and facilities to expand domestic production of component parts, increase inventories and strategically deploy ventilators to the most in-need healthcare facilities.

In addition, the Federal Government should exercise its DPA Title III authority and provide economic incentives to spur other sectors of the defense industrial base to temporarily transition into manufacturing critical medical equipment, especially component parts that comprise ventilators and personal protective equipment (PPE).

Concurrently, I urge the Federal Government to use its Title VII authority to establish voluntary cooperation agreements with all the private businesses drawn into this effort to make sure production is ramped up in a manner that maximizes effectiveness and efficiency. Now is the time to promote a monopoly of unified production of critical medical supplies and equipment.

Boosting production of life-saving medical equipment in response to the COVID-19 pandemic almost certainly qualifies as an action necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability, and thus you are likely empowered to waive DPA Title III requirements. However, I am just as confident that Congress would be willing to provide your administration with necessary budget authority to provide direct loans and guarantees under Title III, authorize projects costing more than \$50 million under Title III and consider authorizing wage and price controls for production of goods under Title I.

Finally, if the fiscal year 2020 appropriation for the DPA fund of \$64.4 million is not sufficient to carry out this request, please provide Congress with an estimate of how much funding is required to sufficiently boost production. I am committed to working with my colleagues to include supplemental emergency DPA funds in a forthcoming legislative package, if you are willing to act. Thank you in advance for your consideration of my urgent request.

Sincerely,



Tammy Duckworth  
United States Senator