

United States Senate

March 20, 2020

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

Dear President Trump,

We welcomed your March 18, 2020 Executive Order invoking the Defense Production Act (DPA) to respond to the ongoing health and economic crisis caused by the spread of the novel coronavirus (COVID-19). Although the executive order invokes Title I of the DPA and delegates its authorities to Secretary of Health and Human Services Alex Azar, it fails to direct the full use of Title I authorities, and wholly ignores Titles III and VII, which could provide essential additional tools for rapidly scaling up our national response. We urge you to immediately invoke and utilize these additional authorities, which will commence the type of wartime manufacturing mobilization needed to combat this crisis.

We also are extremely troubled by a tweet you sent yesterday after invoking the DPA, which stated: “I only signed the Defense Production Act to combat the Chinese Virus 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!” First, we urge you to immediately implement *all* DPA powers under Titles I, III, and VII to massively scale up production of testing kits, Personal Protection Equipment (PPE) such as respirators and gloves, ventilators, and other critical materials that our country needs in order to avoid a worst-case scenario. Second, we urge you to follow the advice of your own public health officials such as Robert Redfield, Director of the Centers for Disease Control and Prevention, and Secretary Azar, and stop referring to COVID-19 in an inflammatory and xenophobic manner.

We also request that you deploy Title III authorities, which would allow the executive branch to provide financial incentives to industry — including loans, direct purchases, and purchase commitments — to rapidly scale up the manufacturing of medical supplies and equipment needed to respond to the crisis. This infusion of capital and financial assurances could help support developing or conducting COVID-19 tests. It could also aid companies or institutions in expanding their capacity to manufacture needed testing materials, PPE, medical equipment, and medical supplies. Under Title III, the federal government can further help repurpose private manufacturing capabilities to enable manufacturers to produce the materials we need in this crisis — something other countries are already doing. We encourage you to deploy these Title III authorities.

Finally, Title VII empowers you to establish voluntary agreements with private industry and direct coordinated industry efforts and production. These authorities help protect against anti-

trust violations and ensure that we have a coordinated industry response to this rapidly evolving crisis. We urge you to consider using these authorities as necessary, as well.

Our domestic industries are ready and waiting for the call to respond to the critical ongoing shortages of key medical equipment and supplies. But they need capital, federal contracts, and other assurances in order to act. We can activate America's ingenuity and resolve by immediately providing that financial incentive and direction through the full use of DPA authorities. We urge you to move forward in using these authorities immediately, for the sake of the health and well-being of the American people.

Thank you for your consideration of this request.

Sincerely,

Edward J. Markey
United States Senator

Sherrod Brown
United States Senator

Mazie K. Hirono
United States Senator

Tammy Baldwin
United States Senator

Thomas R. Carper
United States Senator

Angus S. King, Jr.
United States Senator

Doug Jones
United States Senator

Amy Klobuchar
United States Senator

Christopher S. Murphy
United States Senator

Elizabeth Warren
United States Senator

Bernard Sanders
United States Senator

Jack Reed
United States Senator

Jeanne Shaheen
United States Senator

Tom Udall
United States Senator

Chris Van Hollen
United States Senator

Mark R. Warner
United States Senator

Sheldon Whitehouse
United States Senator

Richard Blumenthal
United States Senator

Robert P. Casey, Jr.
United States Senator

Tina Smith
United States Senator