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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
<http://appropriations.senate.gov>

July 20, 2020

The President
The White House
Washington D.C. 20500

Dear Mr. President:

We write with growing alarm at the recent reports that yet again hospitals, health workers, physician offices, and first responders are experiencing a shortage of personal protective equipment (PPE) they need to keep themselves safe as they care for others and try to prevent further spread of the coronavirus. Equally alarming are reports of long lines for COVID-19 testing and even longer wait times for the test results. This at a time when cases are rising at a startling rate in 45 states and deaths continue to climb.

It was only a few short months ago that the country watched in alarm as the PPE shortage was so severe doctors and nurses were forced to reuse masks and gowns that were meant for one-time use. We saw healthcare workers in garbage bag gowns and reusing the same N95 masks for days on end while they risked their lives to save others. We should not, cannot, and must not go back to those days.

Since the beginning of this pandemic, Congress has appropriated significant resources to ensure the Administration had what it needed to address this problem. Leadership at the federal level was clearly necessary, so Congress appropriated over \$16 billion to strengthen the Strategic National Stockpile, \$45 billion for the Federal Emergency Management Agency to assist states during this emergency, and \$1 billion in Defense Production Act (DPA) funds to support development and production of PPE in the private market. These funds have been available to the Administration since at least March to help purchase, produce, and distribute PPE across the country to combat the coronavirus.

Yet nearly four months later, the Administration has obligated only half of the funds Congress provided for the SNS (and only a portion of this was spent on PPE), and the Department of Defense has informed us that it intends to use nearly *70 percent* of the DPA for shipbuilding, aircraft development, and other defense programs. While this transfer of funds may serve to bolster our defense industry, it does little to keep the American people safe from the most imminent threat to this country – a rapidly escalating global pandemic.

We applaud FEMA for reimbursing states for nearly \$2 billion in costs incurred to purchase PPE, but as the lead agency for disaster response it was also supposed to take the lead in coordinating and streamlining the purchase and distribution of PPE in an organized and efficient way to

ensure all needs were met. Unfortunately, by all reports, these efforts were haphazard at best, and a failure at worst. In executing this task, the Administration disregarded longstanding emergency management practices, sidelined career officials who are expert in this area, and outsourced this task to those who had little to no experience with government procurement.

As a result, instead of a centralized purchasing and distribution system, the country was left with unorganized competition among federal agencies, state governments, hospitals and providers, first responders, and other entities that desperately needed PPE. This has caused a surge in prices, where bidding wars have driven up the cost of PPE tremendously at a time when most state, local governments, healthcare providers, and first responders need it most and can afford it least. Meanwhile, manufacturers have shared that a lack of high-level transparency about where PPE is being delivered has resulted in surpluses in some areas while others face severe shortfalls.

Today, money for PPE languishes in the federal coffers and it remains unclear who within the federal government is now in charge of centralizing these efforts or where states and localities should turn to for support or to procure necessary supplies. Funding and authority provided by Congress to work with industry to expand their capacity to produce PPE and testing supplies have been underutilized. This leaves the country and our frontline healthcare workers in a dangerous position, once again, as we experience a spike in COVID-19 cases around the country. The American people need answers and they expect action.

We are equally alarmed with respect to our nation's testing capabilities. If we have any hope of containing this virus, the United States must have a comprehensive testing and contact tracing program. It must be quick and efficient. This is how other countries have succeeded in flattening the curve and containing the spread of coronavirus. Our failure to do so in the early days and months of this crisis led to disastrous consequences, and the result is that Americans are now unwelcome in many parts of the world, including most of Western Europe.

In April, Congress appropriated \$25 billion through the *Paycheck Protection Program and Health Care Enhancement Act* specifically to expand testing capacity and conduct surveillance and contact tracing to ensure we were prepared for another spike in cases. Yet based on the latest information from the Department of Health and Human Services, three months later less than half of the money provided has been obligated by the federal government and gaps in testing capacity and contact tracing are pervasive.

While the U.S. has significantly improved its testing capacity since the beginning of the pandemic, largely due to state-led efforts, it is clear we are still well short of where we need to be. Demand for tests far outweighs our testing capacity. Even where health systems have the necessary supplies, the increased demand for tests is causing delays in results. Recent reports of long lines at testing sites, and even longer wait times for results, are cause for concern, especially as the virus surges across the country. Lengthy wait times for the results of tests - in some cases up to 14 days - makes contact tracing ineffective, undermining our ability to defeat the virus.

Six months into a pandemic that has killed more than 140,000 people in the United States, we still face major challenges in testing for COVID-19. Despite your trumpeting of testing success,

the reality is that the spread of the virus has vastly outpaced the expansion of testing capacity. As of July 7, the United States is conducting approximately 800,000 tests per day. This is far below the millions of tests per day that experts have recommended will be necessary to ensure people across the country can safely return to work and school. Meanwhile, demand for tests has skyrocketed in the wake of reopenings and rising cases, forcing state and local officials in hard-hit states to turn patients away from testing sites or re-impose restrictions on who is eligible for testing.

Lab supplies are dwindling in many hard-hit regions and delays in turnaround times have undercut contact tracing efforts. The United States' two largest commercial testing companies, Quest Diagnostics and LabCorp, have been overwhelmed and unable to return testing results promptly. Testing manufacturers, labs, and states have reported serious issues in obtaining necessary testing supplies including swabs, reagents, extraction materials, and PPE. Delays averaging a week or longer are common for all but top-priority hospitalized patients and symptomatic healthcare workers. Without rapid results, it is impossible to isolate new infections quickly enough to prevent the spread of disease. Public health experts have indicated the situation is reminiscent of what they saw in March and April. This is an American failure. Slow and fragmented testing anywhere threatens public health everywhere. If states are to step up and fill the void in the absence of a coordinated federal plan, they need resources and they need them now.

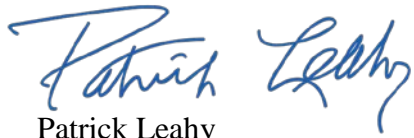
It is clear that the Administration's failure to lead on the procurement and distribution of PPE or to marshal a comprehensive national testing and contact tracing strategy has allowed the virus to spread and left the country in a very vulnerable position. If it was not clear to this Administration before, it should be clear now, wishful thinking and denying the problem will not protect the American people or bring our economy back from the brink.

It is well past time to change course. If there was ever a need for leadership at the federal level it is here and now. States and localities can no longer be left to fend for themselves, and to compete with one another for vital equipment and supplies. The coronavirus does not respect state lines. This is exactly the type of crisis that requires the full attention, expertise, and resources of the federal government. We urge you to use the resources Congress has provided as quickly and efficiently as possible to address these issues for the nation.

We cannot wish this virus away. The surest way to restart our economy and get kids back into schools is to defeat this virus through testing, contact tracing, effectively distributing PPE, and educating the public about wearing masks, washing hands, and social distancing.

In the coming weeks, Congress will negotiate, debate, and hopefully pass another emergency supplemental appropriations bill to combat this global pandemic. We intend to fight for the additional resources needed to address these problems, and we hope you support these efforts. However, once enacted into law it is the Administration's responsibility, indeed it is your responsibility, to ensure the resources are used quickly and efficiently and in a manner that protects the life and safety of the American people. Congress expects no less and the American people deserve no less.

Sincerely,



Patrick Leahy
Vice Chairman
Committee on Appropriations



Richard J. Durbin
Vice Chairman
Subcommittee on Defense



Patty Murray
Ranking Member
Subcommittee on Labor, Health
and Human Services, Education,
and Related Agencies



Jon Tester
Ranking Member
Subcommittee on Homeland
Security