

# United States Senate

WASHINGTON, DC 20510

April 23, 2020

The Honorable Michael R. Pence  
Vice President of the United States  
The White House  
Office of the Vice President  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Vice President Pence,

We write today with tremendous concern about the shortages of Personal Protective Equipment (PPE), test kits, ventilators, and other supplies needed to combat the COVID-19 public health crisis. These issues are exacerbated at the Department of Veterans Affairs (VA), which must now rely on piecemeal use of the Defense Production Act (DPA) and a broken federal procurement and distribution process to help care for our nation's veterans. The Administration's failure to act to secure the production and distribution of supplies in a decisive, deliberative and coordinated manner is deeply troubling.

Our nation made promises to provide the care our veterans earned through their service to defend the freedoms we all hold dear. The Administration's slow response and lack of a coordinated nationwide effort undermines the services the VA can provide veterans. As such, the Administration must act aggressively to better utilize all the tools at-hand to bring all Americans through this crisis. We must recognize that we share the same goal – to save lives. Making better use of the DPA is one way to do just that.

On March 18, the President invoked a very limited use of authorities under the DPA that allow him to prioritize the production and distribution of supplies to address nationwide shortages. Unfortunately, it took an additional nine days before he finally authorized the use of DPA to help bolster domestic production of those supplies. Since then, the President has authorized piecemeal use of DPA authorities for ventilator and mask production rather than quickly ramping-up production of lifesaving medical supplies and equipment. Given the nation's severe shortage of supplies and growing demand, we fail to understand the Administration's reluctance to fully utilize the DPA beyond its directives to General Motors, 3M, and a handful of medical device companies. Is there a plan in place to increase usage of the DPA to provide needed supplies for the nation? The troubling news that the national stockpile is running on fumes only hastens the need for the Administration to step-up its efforts to procure and distribute needed supplies.

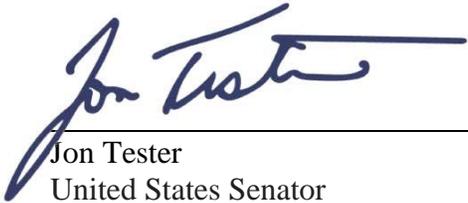
How does the Administration plan to accomplish this task in a deliberate and coordinated manner so that our frontline providers have the tools to protect themselves if it refuses to make better use of the DPA to secure such items? While the Federal Emergency Management Agency (FEMA) is now the operational lead for the government's response to COVID-19, Health and Human Services (HHS) remains the lead agency. How are these agencies working together and with their federal partners, including VA, to address the growing need for federal resources and support to state, local, Tribal, and territorial partners? Further, how is FEMA working with other federal entities to determine resource-sharing or prioritization and who is best equipped to provide supplies, personnel, or infrastructure?

Furthermore, VA needs to be better positioned to address current needs. It is our understanding that as a result of the Administration working directly with manufacturers and the extreme shortages of supplies nationwide, VA can no longer rely on its prime vendors to properly supply its hospitals. It must now rely on the Supply Chain Task Force to help support its mission to care for veterans and serve as the back-up health care system for the country. VA is already caring for nearly 200 non-veteran civilians and has committed to providing 1,500 more beds for FEMA to use in national response efforts. However, the Administration must ensure that VA has the resources it needs to safely care for millions of veterans and take on its burgeoning humanitarian missions to care for other Americans. As such, we must know whether the Administration will appropriately prioritize VA's requests for medical supplies. Will VA's requests to the Supply Chain Task Force be filled, in full, and in a timely manner? Health care personnel at VA are being told they can reuse PPE or bring in homemade PPE to protect themselves and veterans at VA facilities if they are not directly working with COVID-19 patients, despite working in an environment where the disease is present and spreads very easily. At VA, more than just clinical staff have been exposed to the virus and are getting sick. More than 3,500 VA health care personnel are currently quarantined and unable to work because they have been exposed to the virus. This is in addition to the 20 VA staff who have passed away from COVID-19, and the more than 1,900 VA health care workers who have tested positive for the virus.

VA health care personnel from across the country are reaching out for help because they are afraid for themselves and afraid for their patients. Those who care for veterans should not be afraid to wake up every morning, go to work and help save veterans' lives. While we understand that under the present circumstances VA must prioritize who in its facilities receives PPE, VA's current austerity measures were put in place because the Department must now rely on the broken procurement and distribution system developed by this Administration. With the fate of VA's ability to procure supplies now in the Supply Chain Task Force's hands, the Administration must act quickly to fix this problem. During this time of crisis, it is unconscionable that VA is having to compete for supplies to protect its health care providers and veterans. This Administration must prioritize VA's sacred mission to care for our nation's veterans who are especially vulnerable during this pandemic. Working in a more coordinated manner would result in a better outcome for veterans and all Americans.

When we listen to the public health and medical experts regarding COVID-19 – the scientists, and the doctors and nurses working on the frontline of this pandemic – we know that there is a long road ahead in combating this virus. We urge you to act decisively on behalf of our nation’s veterans and aggressively procure and distribute supplies that will bring our country through this crisis. We also implore you to recognize VA’s unique role as the country’s largest health care system, and ensure that it has the supplies necessary to protect our doctors, nurses, veterans, and all Americans during this pandemic.

Sincerely,



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Jon Tester  
United States Senator



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Michael F. Bennet  
United States Senator

/s/ Jack Reed

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Jack Reed  
United States Senator



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Tammy Baldwin  
United States Senator



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Richard J. Durbin  
United States Senator



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Elizabeth Warren  
United States Senator



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Sherrod Brown  
United States Senator



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Richard Blumenthal  
United States Senator



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Gary C. Peters  
United States Senator



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Jeanne Shaheen  
United States Senator



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Margaret Wood Hassan  
United States Senator



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Ron Wyden  
United States Senator



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Kamela D. Harris  
United States Senator



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Mazie K. Hirono  
United States Senator



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Bernard Sanders  
United States Senator



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Tammy Duckworth  
United States Senator