

United States Senate  
WASHINGTON, DC 20510

January 19, 2021

The Honorable Joseph R. Biden, Jr.  
President-elect  
1401 Pennsylvania Ave N.W.  
Washington, D.C. 20230

Dear President-elect Biden:

We write in support of taking immediate action once you assume office to fully utilize the Defense Production Act (DPA) and all other federal acquisition authorities at your disposal to rapidly increase the production and stockpiling of critical medical, testing and protective equipment supplies. The Trump administration's response to the COVID-19 pandemic and their efforts to be transparent with your transition team have been woefully inadequate, and we recognize the significant obstacles ahead. Given the continued supply chain issues that we have seen over the past year, we believe it is in the best interest of the American public to shore up our access to critical supplies immediately and in the long term through all available DPA authorities.

Failure to fully utilize the DPA during the early stages of the COVID-19 pandemic has resulted in significant loss of life. Even now, continued reluctance to fully tap into DPA authorities is having a dangerous impact on our response to the virus and our ability to scale up vaccine production and distribution. The DPA can help us reach our goal of vaccinating enough of the American public to achieve herd immunity by ramping up production of sterile needles, rubber stoppers, syringes and other vaccine supplies now. Given the current lack of a national vaccine plan, we need to use every tool available to make up the ground we have lost. The DPA could also be used to regulate vaccine distribution, ensure that companies do not charge for the vaccine in the future and enhance production of materials needed for vaccines to address future pandemics.

Furthermore, we must work to build our domestic supplies and capabilities of raw materials and Personal Protective Equipment (PPE). The U.S. did not have sufficient domestic sources of critical PPE, which was exacerbated by a shortage of raw materials such as nonwoven melt blown material used to manufacture N95 and N99 masks. American manufacturers have stepped up to fill the gaps in domestic manufacturing of PPE, but the DPA should be used to ensure that these manufacturers, many of whom have acted in the interest of public health and without the assistance that DPA authority provides, have standing government orders and greater access to affordable, domestically sourced raw materials.

In addition, increasing the use of the DPA and other federal acquisition authorities to incentivize "Made in America" PPE and medical supplies will be a boon to patriotic American

manufacturers that stepped up during the pandemic, and will make us significantly better prepared for future emergencies. President Trump has not used his DPA authority sufficiently enough to award adequate medical supply contracts for the nation's needs. We must immediately do more to re-shore the most in-demand PPE, such as nitrile gloves, nearly all of which are manufactured in China. Ongoing negligence and chronic missteps have left us unprepared, and have created chaotic markets of severe price gouging and bidding wars that will make it more difficult for your incoming administration to ensure we have the supplies we need.

Make no mistake, a dependable and resilient domestic manufacturing capacity to respond to a global pandemic is a national security imperative. Given the opaque nature of the transition and the lack of transparency from the current administration, we understand that your team may not yet have full insight into the state of the medical supply pipeline and Strategic National Stockpile. We stand ready to partner with you to help overcome these substantial obstacles. Your use of executive action to utilize the extraordinary authorities under DPA will support a more functional response to the COVID-19 pandemic and ensure that America is stronger now and more resilient when the next pandemic occurs.

Sincerely,

/s/ Tammy Baldwin  
Tammy Baldwin  
United States Senator

/s/ Christopher S. Murphy  
Christopher S. Murphy  
United States Senator

/s/ Richard Blumenthal  
Richard Blumenthal  
United States Senator

/s/ Robert P. Casey, Jr.  
Robert P. Casey, Jr.  
United States Senator

/s/ Chris Van Hollen  
Chris Van Hollen  
United States Senator

/s/ Dianne Feinstein  
Dianne Feinstein  
United States Senator

/s/ Robert Menendez  
Robert Menendez  
United States Senator

/s/ Ron Wyden  
Ron Wyden  
United States Senator

/s/ Jeanne Shaheen  
Jeanne Shaheen  
United States Senator

/s/ Martin Heinrich  
Martin Heinrich  
United States Senator

/s/ Tammy Duckworth  
Tammy Duckworth  
United States Senator

/s/ Margaret Wood Hassan  
Margaret Wood Hassan  
United States Senator

/s/ Angus S. King, Jr.  
Angus S. King, Jr.  
United States Senator

/s/ Maria Cantwell  
Maria Cantwell  
United States Senator

/s/ Sheldon Whitehouse  
Sheldon Whitehouse  
United States Senator

/s/ Amy Klobuchar  
Amy Klobuchar  
United States Senator

/s/ Elizabeth Warren  
Elizabeth Warren  
United States Senator

/s/ Brian Schatz  
Brian Schatz  
United States Senator

/s/ Thomas R. Carper  
Thomas R. Carper  
United States Senator

/s/ Jeffrey A. Merkley  
Jeffrey A. Merkley  
United States Senator

/s/ Gary C. Peters  
Gary C. Peters  
United States Senator

/s/ Cory A. Booker  
Cory A. Booker  
United States Senator

/s/ Mark R. Warner  
Mark R. Warner  
United States Senator

/s/ Ben Ray Luján  
Ben Ray Luján  
United States Senator

/s/ Tim Kaine  
Tim Kaine  
United States Senator

/s/ Patrick Leahy  
Patrick Leahy  
United States Senator