



April 2, 2020

The Honorable Donald Trump
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Re: Utilizing Defense Production Act for Personal Protective Equipment

Dear President Trump,

On behalf of the American College of Physicians (ACP), I am writing to urge you to immediately invoke the Defense Production Act to require the manufacture of personal protection equipment (PPE) for physicians, nurses, and other frontline health care workers. Such action is needed to address the COVID-19-induced shortage of masks, gowns, gloves, and other PPE that put frontline medical professionals who are caring for patients at grave risk of becoming infected and sickened by the virus, and then spreading it to colleagues, family members, and patients. The College is the largest medical specialty organization and the second-largest physician group in the United States. ACP members include 159,000 internal medicine physicians (internists), related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness.

As the impact of the COVID-19 pandemic grows exponentially by the day, reports suggest that hospitals and clinics treating infected patients are nearing the end of their PPE supplies and are having difficulties acquiring more. Health facilities across the country have had to resort drastic measures like using improper or expired equipment and in extreme cases consider shutting down.¹ Some physicians and nurses have even reported to have been forced to rely on

¹ Jacobs, Andrew, Matt Richtel, and Mike Baker. "At War With No Ammo": Doctors Say Shortage of Protective Gear Is Dire." The New York Times, March 19, 2020. <https://www.nytimes.com/2020/03/19/health/coronavirus-masks-shortage.html>.

homemade masks made from bandanas and scarves, trash bags for gowns, and reusing PPE well past their safe limit.² The Washington Post reported today that “the government’s emergency stockpile of respirator masks, gloves and other medical supplies is running low and is nearly exhausted due to the coronavirus outbreak.”³

Physicians, nurses, and other health professionals are putting their health and safety at risk in their efforts to care for patients and contain spread of the virus. It is paramount that we properly equip and protect our frontline health workers. Inadequate protection puts those who are treating the sick at greater risk of contracting the virus, causing a ripple effect and significantly reducing the capacity of the entire health system. Already, hundreds of health professionals have fallen ill throughout the country, resulting in the death of some.⁴ Not only do we risk the impairment of our health workforce, infected health professionals in turn are at risk of further spreading the virus through their interactions with family and the community. Without immediate action to sufficiently equip all health professionals with appropriate and necessary PPE, the spread of COVID-19 will fail to be contained and the country could experience thousands of additional lives lost.

We are encouraged that the Administration has taken steps to address some of the other shortages the medical community are experiencing, such as the executive order issued last week to invoke the Defense Production Act (DPA) requiring General Motors to produce ventilators for the federal government. DPA is a useful and effective tool that is already in use by other federal agencies like the Department of Defense and the Federal Emergency Management Agency hundreds of thousands of times a year to procure materials and goods in the interest of national defense.⁵ **The College calls on the Administration to fully utilize the authority granted to it under the DPA to ensure adequate supply of PPE to health professionals and the equitable distribution to those areas most impacted.** Specifically, we request the Administration take the following actions:

- Title I of the DPA allows the President to require that manufacturers prioritize and accept government contracts and control the general distribution of materials, services, and facilities. In the short term, the Administration should require manufacturers prioritize the production of PPE for domestic consumption and sale of PPE to the government for distribution. Similarly, manufacturers who produce masks for non-medical purposes should be directed to shift production to produce medical-standard masks. There have also been reports of states and hospitals competing against each

² Lopez, German. “Why America Ran out of Protective Masks - and What Can Be Done about It.” Vox. Vox, March 27, 2020. <https://www.vox.com/policy-and-politics/2020/3/27/21194402/coronavirus-masks-n95-respirators-personal-protective-equipment-ppe>.

³ Miroff, Nick. “Protective Gear in National Stockpile Is Nearly Depleted, DHS Officials Say.” The Washington Post, April 1, 2020. https://www.washingtonpost.com/national/coronavirus-protective-gear-stockpile-depleted/2020/04/01/44d6592a-741f-11ea-ae50-7148009252e3_story.html.

⁴ Schwirtz, Michael. “Nurses Die, Doctors Fall Sick and Panic Rises on Virus Front Lines.” The New York Times, March 30, 2020. <https://www.nytimes.com/2020/03/30/nyregion/ny-coronavirus-doctors-sick.html>.

⁵ Kanno-youngs, Zolan, and Ana Swanson. “Wartime Production Law Has Been Used Routinely, but Not With Coronavirus.” The New York Times, March 31, 2020. <https://www.nytimes.com/2020/03/31/us/politics/coronavirus-defense-production-act.html>.

other for limited supplies of PPE, driving up prices and placing a strain on budgets.⁶ Rather than allocating PPE through bidding wars, the Administration should distribute these resources in a way that best reflects the public health need on the ground. Additionally, in conjunction with a joint resolution from Congress, the Administration should explore imposing price controls on PPE and other medical essentials to prevent price gouging and ensure equipment and treatments are accessible to all.

- Title III of the DPA allows the President to financially incentivize manufacturers to create, maintain, and expand domestic industrial capabilities through the use of loans and loan guarantees, direct purchases and purchase commitments, and procurement and installment of equipment. In the long term, the Administration should offer manufacturers the capital and equipment needed to expand facilities and drastically increase output of equipment for distribution and to add to the Strategic National Stockpile.
- Title VII of the DPA allows the President to establish voluntary agreements with private industry, amongst other authorities. The Administration should create voluntary agreements with private industry that would allow for manufacturers to coordinate on the production of PPE.

Thank you for considering our request. ACP shares the Administration's goal of containing the spread of the virus and appreciates the efforts already undertaken by the Administration to address some of the equipment shortage and price gouging issues. However, the College contends the threat to our frontline physicians, nurses, and health professionals is dire and immediate action through the DPA must be taken to circumvent the bureaucratic and lengthy procurement process and get the necessary PPE to hospitals and clinics in a timely manner. Please contact Josh Serchen, Senior Analyst, Health Policy at jserchen@acponline.org if the College can be of any assistance or if you have any questions.

Sincerely,



Robert M. McLean, MD, MACP
President

CC:

The Honorable Nancy Pelosi, Speaker, United States House of Representatives
The Honorable Kevin McCarthy, Minority Leader, United States House of Representatives

⁶ Romm, Tony, Jeanne Whalen, Aaron Gregg, and Tom Hamburger. "Scramble for Medical Equipment Descends into Chaos as U.S. States and Hospitals Compete for Rare Supplies." The Washington Post, March 25, 2020. <https://www.washingtonpost.com/business/2020/03/24/scramble-medical-equipment-descends-into-chaos-us-states-hospitals-compete-rare-supplies/>.

The Honorable Mitch McConnell, Majority Leader, United States Senate
The Honorable Chuck Schumer, Minority Leader, United States Senate
House Committee on Education and Labor
House Committee on Oversight and Government Reform
House Energy and Commerce Committee
Senate Health, Education, Labor & Pensions Committee
Senate Committee on Homeland Security and Governmental Affairs