

United States Senate

WASHINGTON, DC 20510

April 14, 2020

Dear President Trump,

As states across this nation grapple with their response to the 2019 Novel Coronavirus Disease (COVID-19), we write to express serious concern with your Administration's mismanagement of the Strategic National Stockpile (SNS) and the misleading statements regarding the purpose of the stockpile by advisors in your Administration.

In 1998, Congress appropriated an emergency allocation of over \$216 million to the Public Health and Social Services Emergency Fund, including \$51 million for the Centers for Disease Control and Prevention (CDC), for "pharmaceutical stockpile activity," noting that this fund addressed the Clinton Administration's request for activities related to bioterrorism, as well as for "bolstering public health infrastructure, conducting studies regarding health and national security, and combating certain infectious diseases."¹

Since its creation, the stockpile has supported individual states and nationwide demands in responding to disasters and public health emergencies. Following the terrorist attacks on September 11, 2001, the stockpile successfully deployed supplies to New York City and our nation's Capital.² Similarly, supplies and equipment from the stockpile were used to respond to recent hurricanes, including Hurricanes Katrina, Rita, and Sandy. In 2009, the stockpile released 11 million regimens of antiviral drugs, as well as personal protective equipment (PPE), including masks, respirators, gowns, gloves and face shields, to support every state's response to the 2009 H1N1 influenza pandemic.³

On February 25, 2020, Secretary Alex Azar was asked at a Senate Appropriations hearing if he could assure every single American that if COVID-19 hit our shores, we would have the necessary supplies stockpiled to respond. He failed to answer that question. Now, according to documents recently released by the House Committee on Oversight and Reform, ninety percent of supplies of PPE in the stockpile have been depleted, and none of the remaining supplies will be distributed to states.⁴ As this crisis continues to unfold, it is abundantly clear that this Administration failed to act on every warning sign.

¹ <https://www.congress.gov/congressional-report/105th-congress/house-report/825/1?q=%7B%22search%22%3A%22105+277%22%7D&r=17&overview=closed>

² <https://www.phe.gov/about/sns/Pages/responses.aspx>

³ <https://www.cdc.gov/h1n1flu/cdcresponse.htm>

⁴ <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/SNS%20PPE%20REPORT.pdf>

The COVID-19 pandemic threatens the overall health and safety of families across the country, in every single state. Dozens of states have requested supplies from the stockpile to ensure that public health workers, emergency responders, and frontline health care workers have the personal protective equipment they need to prevent the spread of this virus and provide the highest quality patient care to those impacted. However, your Administration has failed to sufficiently respond to these requests. It should not take public pleas from governors or letters from congressional delegations for states to obtain the supplies they need. The stockpile was intended to support a response to a large scale disaster, and yet, as the country finds itself experiencing exactly the kind of crisis the stockpile was created to mitigate, your Administration has failed to respond with the urgency that is so clearly needed.

Furthermore, we are deeply concerned with this Administration's misleading statements and actions when it comes to the stockpile. At a press conference on April 2, Senior Advisor Jared Kushner told reporters that "the notion of the federal stockpile was it's supposed to be our stockpile; it's not supposed to be state stockpiles that they then use." This statement, made by an individual with no experience in public health or large scale disaster management, is extremely concerning and false. The purpose of the stockpile is not up for debate. And yet, on April 3, one day later, the homepage of the stockpile's website was changed to align with Mr. Kushner's flawed description.

When state, local, tribal, and territorial responders request federal assistance to support their emergency response efforts, the stockpile must ensure that the right medicines and supplies get to those who need them. Organized for scalable response to a variety of public health threats, this repository should contain enough supplies to respond to multiple large-scale emergencies simultaneously. Until April 3, this was reflected in the public-facing description of the stockpile. This remains its purpose. Editing a website does not change its intent.

In light of these public statements, concerning changes, and opaque distribution practices, we request written responses to the following questions:

1. We continue to hear concerns about delays in obtaining necessary supplies from the stockpile and from the federal government. How is your Administration prioritizing requests from states? Who is making decisions about current distribution practices?
2. Recent reporting indicates that Senior Advisor Jared Kushner is now charged with overseeing the distribution of supplies from the stockpile and additional supplies obtained by the federal government. Please describe his current role, and how it interacts with other established efforts, including the Coronavirus Task Force led by Vice President Pence and the Supply Chain Stabilization Task Force led by Admiral Polowczyk.
3. On April 3, the stockpile's website was changed to align with inaccurate statements made by Mr. Kushner. Why were these changes made, and who in the Administration requested that the changes be made? Is this change indicative of a larger shift in the management of the stockpile?
4. What is the current process to replenish the stockpile and how is this coordinated with FEMA's procurement process?

5. Please describe how the Administration is working to ensure that the distribution of life-saving supplies is free from political interference.

Sincerely,

Tammy Baldwin /s/
Tammy Baldwin
United States Senator

Patty Murray /s/
Patty Murray
United States Senator

Cory Booker /s/
Cory Booker
United States Senator

Mazie K. Hirono /s/
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United States Senator

Kirsten Gillibrand /s/
Kirsten Gillibrand
United States Senator

Elizabeth Warren /s/
Elizabeth Warren
United States Senator

Tim Kaine /s/
Tim Kaine
United States Senator

Bernard Sanders /s/
Bernard Sanders
United States Senator

Jack Reed /s/
Jack Reed
United States Senator

Debbie Stabenow /s/
Debbie Stabenow
United States Senator

Edward J. Markey /s/
Edward J. Markey
United States Senator

Richard Blumenthal /s/
Richard Blumenthal
United States Senator

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

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

Tina Smith /s/
Tina Smith
United States Senator

Sherrod Brown /s/
Sherrod Brown
United States Senator

Kamala D. Harris /s/
Kamala D. Harris
United States Senator

Chris Murphy /s/
Chris Murphy
United States Senator

Amy Klobuchar /s/
Amy Klobuchar
United States Senator