

# United States Senate

WASHINGTON, DC 20510-3203

May 05, 2020

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Trump:

We write regarding the implementation of the testing provisions of the *Paycheck Protection Program and Health Care Enhancement Act* and the critical need for additional action to increase COVID-19 testing in the United States. We are deeply troubled by the lack of detail and strategy in your testing blueprint, and we fundamentally reject the notion that the federal government bears this little responsibility in increasing testing capacity.

Our public health, government, and business leaders need information about who has COVID-19, who needs to be isolated or quarantined, and who may be immune due to previous infection. The only way to get that information is testing: widespread, fast, free testing — and the only way to accomplish testing on the scale needed is a nationally coordinated effort.

While states and Tribes play a critical role in the COVID-19 response, there are certain responsibilities that can only be fulfilled by the federal government. The Trump Administration must not shirk its responsibilities and leave states and Tribes to fend for themselves. For example, only the Executive Branch can solve the underlying problems of coordination in the supply chain and synthesize epidemiological data at a national level to help states, Tribes, businesses, and health care providers prepare for and respond to the trajectory of the pandemic. A plan that fails to address these critical elements will fall short of laying the groundwork for the robust response the country requires to move forward in this crisis.

We urge you to quickly allocate the \$25 billion provided in the law to ramp up testing in a manner that optimizes public health and promotes equity. Further, we expect prompt formulation, reporting, and implementation of a highly detailed and specific national strategic plan, as required in the *Paycheck Protection Program and Health Care Enhancement Act*. Your Administration must take a “whole of society” approach that will quickly scale and optimize COVID-19 testing, help build a massive workforce to trace and mitigate additional community spread, and help get America back to work.

We call on your Administration to ensure every state and Tribe has enough testing kits, supplies, equipment, and public health personnel to conduct widespread testing. While you claim that “we have plenty of testing,” numerous experts, including those in your own Administration, say that our testing capacity is inadequate and far from what is needed to contain the outbreak. Had you implemented an aggressive testing plan and listened to experts since the beginning of this outbreak, instead of denying responsibility, our country would not be in the position it is today.

The United States should not have to settle for anything less than best practices and the highest standard possible in our fight against this virus. We stand ready to do bipartisan work to increase testing capacity as high as necessary to fully address this threat, and as part of this work, your Administration needs to fundamentally revisit how much testing capacity it must build. To achieve this goal, there are at least three essential steps the Administration must take:

1. Use the full authority of the Executive Branch, including the Defense Production Act and the money allocated in the *Paycheck Protection Program and Health Care Enhancement Act*, to ensure sufficient production of testing kits and materials, such as swabs, reagents, and personal protective equipment, to meet demand.
2. In coordination with the states and Tribes, increase laboratory capacity to meet demand.
3. In coordination with the states and Tribes, increase public health capacity and personnel, including building up a massive contact tracing workforce, to identify and isolate or quarantine COVID-19 cases and contain the disease's spread.

The development of a comprehensive national strategic plan of action within 30 days – as required by the *Paycheck Protection Program and Health Care Enhancement Act* – is essential to meeting this goal. The plan should include detail, including concrete numbers for capacity targets, corresponding supply needs, and timelines for completion, on how your Administration plans to:

1. **Create a pipeline for the development and manufacturing of tests and testing supplies**, including specific plans to:
  - a. Establish a highly functioning supply chain with sufficient availability of all necessary testing materials and supplies;
  - b. Explicitly assess the rate-limiting factors and bottlenecks in the supply chain and communicate this information publicly to state, local, tribal, and territorial leaders, academic and industry stakeholders, and health care providers; and
  - c. Develop and validate accurate, reliable tests for COVID-19, with a focus on tests and processes that deliver rapid results.
2. **Work to efficiently and comprehensively administer tests** across the United States, including specific plans to:
  - a. Allocate tests and other necessary supplies in a manner that optimizes public health and equity;
  - b. Ensure sufficient testing-related personnel;
  - c. Ensure sufficient laboratory capacity and prioritize rapid turnaround times for test results;
  - d. Enforce the *Families First Coronavirus Response Act* to ensure patients are tested with no cost sharing; and
  - e. Implement an antibody testing program in the United States to identify people who are potentially immune to COVID-19.
3. **Prioritize the health and safety of the entire population** in using testing to inform policy decisions, including specific plans to:
  - a. Ensure equity in the response to COVID-19, including addressing inequities in outcomes based on race, ethnicity, sex, age, disability status, geographic location, and more;
  - b. Achieve sufficient testing capacity in every community, including those that often struggle to access health care: rural and frontier areas, communities with health professional shortages, medically underserved areas, underserved populations, and

Native American communities, including both those in Indian Country, and those served by Urban Indian organizations; and

- c. Make testing available to vulnerable populations at increased risk of morbidity or mortality related to COVID-19, including people with disabilities.
4. **Use testing data to protect the public health.** This will require unprecedented investment in and implementation of a robust public health workforce and infrastructure, which will perform contact tracing as well as leverage data produced by mass testing, including specific plans to:
- a. Strengthen electronic reporting of test results and patient outcomes;
  - b. Expand epidemiological surveillance for COVID-19 to track cases and, if applicable, immunity;
  - c. Conduct extensive high precision contact tracing, isolation, and quarantine, including specific plans to quickly recruit and train a significant new contract tracing workforce; and
  - d. Leverage data about health disparities to ensure an equitable response.

While the *Paycheck Protection Program and Health Care Enhancement Act* took important steps on testing, these are merely first steps. Your Administration needs to do much more to stand up enough testing to effectively trace, control, and suppress the spread of the virus, and it is essential that you do so in a manner that is transparent and accountable. The health of our nation — physically, behaviorally, and economically — depends on it.

Sincerely,

/s/ Charles E. Schumer  
United States Senator

/s/ Patty Murray  
United States Senator

/s/ Tammy Baldwin  
United States Senator

/s/ Richard J. Durbin  
United States Senator

/s/ Sherrod Brown  
United States Senator

/s/ Chris Van Hollen  
United States Senator

/s/ Thomas R. Carper  
United States Senator

/s/ Edward J. Markey  
United States Senator

/s/ Brian Schatz  
United States Senator

/s/ Margaret Wood Hassan  
United States Senator

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

/s/ Benjamin L. Cardin  
United States Senator

/s/ Martin Heinrich  
United States Senator

/s/ Tom Udall  
United States Senator

/s/ Jeanne Shaheen  
United States Senator

/s/ Sheldon Whitehouse  
United States Senator

/s/ Richard Blumenthal  
United States Senator

/s/ Gary C. Peters  
United States Senator

/s/ Robert Menendez  
United States Senator

/s/ Tina Smith  
United States Senator

/s/ Debbie Stabenow  
United States Senator

/s/ Mark R. Warner  
United States Senator

/s/ Elizabeth Warren  
United States Senator

/s/ Amy Klobuchar  
United States Senator

/s/ Christopher S. Murphy  
United States Senator

/s/ Catherine Cortez Masto  
United States Senator

/s/ Mazie Hirono  
United States Senator

/s/ Tim Kaine  
United States Senator

/s/ Cory A. Booker  
United States Senator

/s/ Kamala D. Harris  
United States Senator

/s/ Jack Reed  
United States Senator

/s/ Jeffrey A. Merkley  
United States Senator

/s/ Jacky Rosen  
United States Senator

/s/ Dianne Feinstein  
United States Senator

/s/ Kirsten Gillibrand  
United States Senator

/s/ Bernard Sanders  
United States Senator

/s/ Christopher A. Coons  
United States Senator

/s/ Joe Manchin III  
United States Senator

/s/ Doug Jones  
United States Senator

/s/ Ron Wyden  
United States Senator

/s/ Patrick Leahy  
United States Senator

/s/ Kyrsten Sinema  
United States Senator