



State of California
Office of the Attorney General

XAVIER BECERRA
ATTORNEY GENERAL

March 24, 2020

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

RE: Saving Lives by Invoking the Defense Production Act to its Full Extent

Dear President Trump:

The COVID-19 pandemic continues its attack on our people and our society. We must employ all the tools we have available to treat those who are suffering and to fight the further spread of the virus. We need the support of the federal government to increase testing capacity, produce more medical supplies, and generate more capacity to treat patients.

California has reported 2,220 confirmed cases of COVID-19 and 42 deaths as of today; these numbers will increase exponentially. Yesterday, Governor Gavin Newsom said that our state was short 50,000 hospital beds, 1 billion protective gloves, and hundreds of millions of masks. Hospitals and medical centers have been forced to ration test swabs and personal protective equipment used to protect healthcare providers. In some regions, people who show symptoms have been told simply to stay at home for lack of other options. The rate of infection threatens to overwhelm the state, its healthcare system, and its residents.

The Defense Production Act gives the federal government the power to do great good by making available more protective gear for healthcare providers, testing kits, and medical supplies like ventilators. Other presidents have employed the Act when circumstances demanded. In 2001, Presidents Clinton and Bush each used the Act to provide natural gas and electric power to California during an energy crisis. And President Bush used the Act to provide supplies to troops operating in Iraq.¹

¹ Daniel H. Else, *Defense Production Act: Purpose and Scope*, Congressional Research Service, May 14, 2009, <https://fas.org/sgp/crs/natsec/RS20587.pdf>.



The Honorable Donald J. Trump

March 24, 2020

Page 2

Under the Act, you can repurpose America's factories and put them to work making vital medical supplies: respirators, protective gloves and masks, sanitizers, medical gowns, thermometers, face shields and eye goggles. All these items are scarce and desperately needed to help those on the front line of this pandemic, our nurses, doctors and other critical healthcare providers. We should not be in a situation where states are competing against one another for critical healthcare supplies and resources.

We appreciate your statement that the federal government will use the Defense Production Act to manufacture more test kits, but this is not a time to hold back. What is needed now, and is in the best interest of our nation's health and security, is to focus our country's manufacturing strength on making the products we need to fight this pandemic. I urge you to make full and immediate use of your legal authority under the Defense Production Act.

Sincerely,



XAVIER BECERRA
California Attorney General