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United States Senate

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March 25, 2020

The Honorable Alex M. Azar
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Azar,

I write today imploring the Department of Health and Human Services (HHS) to meet the current burgeoning needs of health care providers across the nation as a result of COVID-19 and allow the Department of Veterans Affairs (VA) to meet its statutory responsibility to serve as the backup health care provider for the nation in times of emergency. Any delay in allowing VA to fulfill its Fourth Mission will undoubtedly result in the deaths of Americans who are dependent on their government to act swiftly on their behalf. States, communities, and patients are already suffering as a result of HHS's inaction. Get them help now.

Under section 1785 of title 38, United States Code (U.S.C.), VA is charged with providing health care services to veterans, first responders, and anyone affected by a national emergency as declared by the President of the United States under the Robert T. Stafford Disaster, Relief and Emergency Assistance Act, codified at section 5121 et seq., of title 42, U.S.C. The President declared a national emergency on March 13, retroactive to January 20.

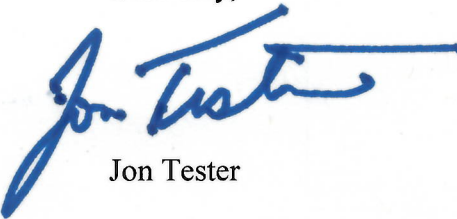
Still, providers across the nation wait for medical supplies, including Personal Protective Equipment (PPE), and patients are unduly burdened while seeking treatment. Doctors and nurses should not be made to treat patients without appropriate PPE when VA has supplies it can begin distributing from its own reserves and caches now. Both VA and the Department of Defense have robust supply chains that could be utilized to fill gaps in medical supplies and contribute to a cross-government response. It is unconscionable that HHS has not utilized every tool it has to address the real suffering of individuals in this nation and called upon VA to activate its Fourth Mission.

Many of VA's 1,450 sites of care, including 170 VA Medical Centers (VAMCs), can begin easing the burden for supplies and on patient care today. State and local communities could benefit from VA's provision of PPE before those systems begin to fail as a result of having too many sick doctors and nurses. I am hearing daily from hospitals in Montana that are in need of PPE to protect their providers as they care for the ill. And sick patients in New York who are standing in line, outside, in the cold, at non-VA medical facilities waiting to be screened, tested and provided care could be seen at VAMCs. VA is uniquely equipped to serve as the backbone

for the NDMS and a strong Federal response to COVID-19. HHS should be using every tool at its disposal, rather than wait for a surge of patients to cripple our hospitals – by then it will be too late.

Now is the time to act. Activate VA's Fourth Mission so that it can begin helping the communities where they are and caring for patients who are affected by this deadly disease.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Tester", with a long horizontal flourish extending to the right.

Jon Tester

cc. The Honorable Robert Wilkie
The Honorable Pete T. Gaynor