

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

June 24, 2020

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Trump:

I write to express concern about the absence of clear guidelines for providing ventilators to foreign countries. For decades, the United States has provided critical, life-saving assistance to countries around the globe to alleviate severe humanitarian and health crises. Doing so demonstrates U.S. leadership and builds trust within the international community—and it is often simply the right thing to do. As COVID-19 has made apparent, American health security is inextricably linked with the strength of global healthcare systems and outcomes.

Given the scale and nature of the current crisis, it is imperative that we ensure the effective use of U.S. aid dollars. Providing ventilators to countries that need them is critical, but, as with any assistance, must be done in a productive and transparent manner. To that end, the National Security Council (NSC), in cooperation with the U.S. Agency for International Development (USAID), must ensure greater transparency and accountability around the provision of ventilators.

To date, for example, the administration has not provided an adequate rationale for the use of special authorities pursuant to Section 7015(e) of the State and Foreign Operations Appropriations Act to waive congressional notification requirements for providing this assistance. It is imperative that USAID provide transparency for how it is determining which types of assistance are most cost effective and best suited to a specific host country for combatting COVID-19. In addition, safeguards must be put in place to ensure that ventilators are made available to patients on an equitable basis.

Therefore, I request that you provide the following:

1. A full justification for using Section 7015(e) of the State and Foreign Operations Appropriations Act to waive congressional notification for ventilator assistance;
2. What needs-based assessments the NSC using to determine which countries will receive ventilators and how this aid is prioritized;
3. Any and all guidance by the NSC regarding the procurement process USAID should follow for the purchase of the ventilators it is distributing, including whether vendors or manufacturers are competitively bidding on contracts to provide ventilators;

4. Whether the ventilators the NSC is requiring USAID to purchase were originally contracted or procured by DHS or any other federal agency or department; Whether the NSC is instructing USAID to procure or purchase ventilators from specific vendors or manufacturers, and whether you, members of your family, or any senior White House officials hold stock or control shares (either directly or through mutual funds) in the companies USAID is purchasing ventilators from;
5. Whether the NSC applying and adhering to the metrics and capacity requirements USAID has outlined in the respective Congressional Notifications for the provision of ventilators; and
6. What commitments the Administration is obtaining from foreign governments receiving U.S. assistance that they will engage in science-based public health actions and interventions to bend the curve of COVID-19 infections and make information about the spread of the disease public on a sustained basis?

We are facing one of the greatest global challenges of the century, and we must take extraordinary measure to ensure every facet of our response is effective. I would appreciate receiving your response no later than July 3, 2020. Thank you for your attention to these important matters.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Robert Menendez
Ranking Member