Congress of the United States
Washington, DC 20515

April 9, 2020

President Donald Trump
The White House
1600 Pennsylvania Avenue
NW Washington, D.C. 20500

Cc: Vice President Mike Pence, HHS Secretary Alex Azar, Defense Acting Secretary Mark
Esper, FEMA Administrator Peter Gaynor

Dear President Trump:

We are writing to express our concern with your administration's plan to change social
distancing guidelines and other mitigation measures for specific counties based on risk
classifications. On March 26, 2020, you wrote a letter to America's governors stating your vision
that "expanded testing capabilities will quickly enable us to publish criteria… to classify
counties with respect to continued risks posed by the virus." Our country does not presently have
the testing infrastructure to accurately gauge the prevalence of COVID-19. Determining a risk
classification based on insufficient testing could have a devastating impact on our national
efforts to combat this disease, and in particular, on low-income and rural communities.

In your letter, you state that the federal government will rank counties as low, medium, or high-
risk through "robust surveillance testing" based on our testing capabilities. We are concerned
that, given current limited testing capabilities, testing data will not give us an accurate
understanding of the spread of the virus.[1] Presently, 100,000 COVID-19 tests are being run every
day.[2] In addition to difficulties implementing COVID-19 testing, our reporting system is
nowhere close to a "robust surveillance system." County-level data are currently not reported by
CDC or other federal agencies.[3]

We are particularly concerned that low-income and rural communities, which face unique
challenges with regard to implementing testing, will suffer from misclassification in designations

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[1] Baird, R. P., Gross, D. A., & Chotiner, I. undefined. (2020, March 24). Why Widespread Coronavirus Testing Isn't
Coming Anytime Soon. Retrieved from https://www.newyorker.com/news/news-desk/why-widespread-coronavirus-
testing-isnt-coming-anytime-soon
[2] M. H., Herper, M., Herper, M., Herper, M., F, M., Kirsten, … Srf. (2020, March 31). Test makers are moving fast,
but the coronavirus may be moving faster. Retrieved from https://www.statnews.com/2020/03/31/test-makers-are-
moving-fast-but-the-coronavirus-may-be-moving-faster/
[3] The New York Times. (2020, March 27). We're Sharing Coronavirus Case Data for Every U.S. County. Retrieved
from https://www.nytimes.com/article/coronavirus-county-data-us.html

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that are meant to inform social distancing guidelines. Facilities that serve underrepresented populations, like community health centers, have reported significant financial losses and supply shortages, which may prevent these facilities from testing everyone in need. Further, low-income individuals may not seek testing out of fear of other associated medical costs, especially if they are uninsured, and individuals in rural areas may be unable to reach testing sites given an already low number of health care facilities in their areas. Moreover, in mid-March, the country witnessed that celebrities and the well-connected had access to tests, while symptomatic individuals in the hardest-hit areas were being turned away.[4]

The public deserves to be assured that any effort to relax social distancing will be based on accurate information and thorough testing. Therefore, we urge you to clarify the statements in your March 27th letter to governors and provide answers to the following questions within seven days:

- On Sunday, March 29th, you stated that the current social distancing regulations will remain in place until April 30th. Does the administration still plan to implement a classification system for counties? If so:
  - When will these classifications be determined and how will they incorporate an ever-evolving case count?
  - What impact will the county's classification have on its social distancing policies?
  - How will this impact other federal resources directed toward these counties? What constitutes "other mitigation measures"?

- In your March 26th letter to America's governors, you state that county classifications will be based on "robust surveillance techniques." Please describe these techniques.
  - What are these robust surveillance techniques, and do all counties and all parts of a county, regardless of income or urban versus rural, have access to these techniques?
  - Will the administration commit to universal, or at least widespread testing access, before implementing a classification system?

- Private industries have developed enhanced testing capabilities, including rapid, point-of-care tests. What plans does the administration have to purchase and distribute these tests?
  - Which federal agency and office oversees tests distribution?
  - How will priority areas be determined?
  - How are low-income and rural communities being prioritized?

- What efforts has the administration taken to ensure that low-income and rural counties have access to testing?

We applaud the administration's decision to extend social distancing guidelines until April 30th, and we encourage you to prioritize the public health and safety of our nation above a short-term economic resurgence. We look forward to receiving responses to these questions.

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[4] Biesecker, M., & Smith, M. R. (2020, March 19). Celebrities get virus tests, raising concerns of inequality. Retrieved from https://apnews.com/b8dcd1b369001d5a70eccdb1f75ea4bd

Sincerely,

Norma J. Torres
Member of Congress

Grace F. Napolitano
Member of Congress

Nanette Diaz Barragán
Member of Congress

Terri A. Sewell
Member of Congress

Alan Lowenthal
Member of Congress

Judy Chu
Member of Congress

Seth Moulton
Member of Congress

Pete Aguilar
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Zoe Lofgren
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TJ Cox
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Stephen F. Lynch
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Eleanor Holmes Norton
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Danny K. Davis
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Jared Huffman
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Henry Cuellar
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Ted Deutch
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Linda T. Sánchez
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Sheila Jackson Lee
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