

December 21, 2022

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

The Honorable Denis R. McDonough
Secretary
Department of Veterans Affairs
810 Vermont Ave NW
Washington, DC 20420

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Ave SW
Washington, DC 20201

Dear Secretary Mayorkas, Secretary McDonough, and Secretary Becerra

We write to request an update on the implementation of the *Make PPE in America Act*. This law went into effect on February 15, 2022 and was enacted as part of the Infrastructure Investment and Jobs Act (P.L.117-58). This statute requires that the Secretaries for the Departments of Veterans Affairs (VA), Health and Human Services (HHS), and Homeland Security (DHS) ensure that their agencies purchase personal protective equipment (PPE) that is manufactured in the United States, with limited exceptions, and any contract for the procurement of such equipment must be issued for a duration of at least two years.

These requirements are essential in order to meet the Act's purpose, which is to ensure "a robust, secure, and wholly domestic PPE supply chain to safeguard public health and national security." Critical public health industries in the United States are relying on the Federal Government to protect and promote a domestic PPE supply chain, and it is vital that these new requirements on federal PPE purchases are thoroughly implemented and done so in a transparent manner.

The Act additionally requires that not later than 180 days after its enactment, the Director of the Office of Management and Budget (OMB) must consult with the Secretaries of the covered agencies to submit to the chairs and ranking members of the appropriate committees a report on the progress of the covered agencies' procurement of PPE and compliance with the contractual requirements set out in the Act. That 180-day deadline was August 2022.

Given the importance of the *Make PPE in America Act*, we request an overview of the steps that the covered agencies have taken since February 2022 to comply with the Act, as well as a description of each agency's PPE procurement process both before and after the Act was enacted. The following information is specifically requested:

1. An overview of the covered agencies' PPE procurement policies and practices before and after February 15, 2022, noting any changes due to the Act.
2. For the years 2016 through February 14, 2022: (a) the covered agencies' annual total outlay for covered PPE items; (b) the number of units of each type of PPE procured by the covered agencies; (c) the amount of PPE products procured by the covered agencies that met the requirements of the Act; and (d) a breakout of PPE products with amounts the covered agencies have spent by product category.
3. Since February 15, 2022: (a) the total amount of PPE the covered agencies have purchased and how much the departments have spent and (b) a breakout of PPE products with amounts the covered agencies have spent by product category.
4. A summary of the current inventory of PPE in the Strategic National Stockpile (SNS). Please include a summary of the targeted inventory levels of PPE for the SNS. Please also include a summary of the PPE deposited into the SNS since January 1st, 2022, and, separately, the quantity of PPE withdrawn from the SNS since January 1st, 2022.
5. Since February 15, 2022: The total percentage of PPE procured by the covered agencies that has been in compliance with the provisions of the Act and the amount that has not been in compliance.
6. The steps taken by the covered agencies since the passage of the Act in November 2021 to bring its PPE procurement into compliance with the law, including but not limited to communications and trainings.
7. Internal safeguards or controls the covered agencies implemented to ensure compliance since February 15, 2022.
8. A timeline and plan, including deadlines, for when the covered agencies intend to be in compliance with the law if they are not fully compliant.
9. Details on any future PPE solicitations that your agency is planning.
10. The efforts taken by the covered agencies while working with domestic manufacturers to review: (a) the covered agencies' PPE needs; (b) the existing domestic capacity to meet those needs; and (c) strategic planning to fill any gaps that might exist.

11. Any PPE procurement waivers that have been issued by the covered agencies since February 15, 2022, as well as the need, reasoning, and specific steps the departments took prior to issuing the waiver to identify the availability of the equipment and to determine the capacity of domestic manufacturers to meet their needs.

The development of a robust domestic manufacturing pipeline for PPE is a critical aspect of our ability to respond to unforeseen disasters. The *Make PPE in America Act* was adopted to ensure that our country maintains this capacity and we look forward to working with you to achieve that outcome.

Sincerely,



Rob Portman
United States Senator



Gary Peters
United States Senator



Debbie Stabenow
United States Senator

CC: The Honorable Shalanda Young
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503