June 29, 2022

The Honorable Maria Cantwell
511 Hart Senate Office Building
Washington, DC 20510

The Honorable Eddie Bernice Johnson
2306 Rayburn House Office Building
Washington, DC 20515

The Honorable Roger Wicker
555 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Frank Lucas
2405 Rayburn House Office Building
Washington, DC 20515

Dear Chair Eddie Bernice Johnson, Chair Maria Cantwell, Ranking Member Frank Lucas, and Ranking Member Roger Wicker:

As you work to construct the China Competition bill, I write urging you to add provisions that prioritize American national security and manufacturing. Specifically, I ask you to build upon provisions passed in the Infrastructure Investment and Jobs Act and the FY22 National Defense Authorization Act to ensure the U.S. government is not reliant on China and other non-allied nations in order to be prepared for any future public health emergency our country may face.

The COVID-19 pandemic highlighted two vulnerabilities: overreliance on unreliable trade partners such as China, and the clear need to foster resilient American industries that can withstand the next crisis. Unfortunately, at the beginning of the COVID-19 pandemic American-made PPE was in short supply due to the small number of domestic manufacturers. Even with some manufacturers shifting production to PPE, American production capacity was ill prepared for the enormous spike in demand.¹

The U.S. Food and Drug Administration (FDA) regulates PPE when it is used as a medical device.² In response to the COVID-induced supply shortage, the FDA changed its enforcement

---

policy on masks and respirators to allow these products to be imported to the United States even if the proper requirements had not previously been met. This paved the way for Chinese-made PPE to be used in American hospitals. This was a necessary decision in the midst of the global health and supply chain crisis we faced, but it demonstrated the ill preparedness of our domestic production capacity. It also exposed frontline healthcare workers to increased risk. According to CDC testing of mask filtration and quality control in 2020, most of the masks tested (67%) that had achieved China’s or other foreign nations’ standards did not pass the CDC’s standard of above 95% efficiency. These policy decisions and dependency on China revealed a clear need to support domestic production so that we are well equipped to handle future public health crises.

Congress recognized the problems a lack of domestic PPE production can cause. That is why Congress enacted the Make PPE in America Act as part of the Infrastructure Investment and Jobs Act. The Make PPE in America Act requires the Departments of Homeland Security, Health and Human Services, and Veterans Affairs to source their PPE from domestic sources. It also requires these agencies to issue contracts for not less than two-years for PPE. Ensuring long-term contracts for American-made PPE will provide domestic producers the stability needed to invest in increased production. It will also foster a relationship with suppliers that will be crucial to addressing future spikes in PPE demand.

Additionally, the FY22 National Defense Authorization Act prohibits the Department of Defense from procuring PPE from China and other non-allied nations, Although the DoD is already subject to domestic sourcing requirements under the Berry Amendment, there was strong bipartisan and bicameral support for reemphasizing that our PPE supply chain cannot rely on non-allied nations, like China, and enacted a PPE procurement prohibition stating as much.

I respectfully request the final conference agreement build on the DoD policy to prohibit the Federal Government from procuring PPE from China and other countries that pose national security threats to our country. Doing so will not only reduce America’s reliance on China and

---


7 Id. § 70953.

8 Id.

other nations for PPE, but also provide longer term support for domestic supply chain needs, manufacturing, and national security. Thank you for considering this request.

Sincerely,

Ted Budd  
Member of Congress

CC: Senator Tammy Baldwin  
Senator John Barrasso  
Senator Sherrod Brown  
Senator Richard Burr  
Senator Shelley Capito Moore  
Senator John Cornyn  
Senator Mike Crapo  
Senator Chuck Grassley  
Senator Martin Heinrich  
Senator John Hickenlooper;  
Senator Mark Kelly  
Senator Robert Menendez  
Senator Jerry Moran  
Senator Patty Murray  
Senator Gary Peters  
Senator Rob Portman  
Senator Jim Risch  
Senator Richard Shelby  
Senator John Tester  
Senator Pat Toomey  
Senator Mark Warner  
Senator Raphael Warnock  
Senator Ron Wyden  
Senator Todd Young  
Representative Brian Babin  
Representative Andy Barr  
Representative Karen Bass  
Representative Ami Bera  
Representative Earl Blumenauer
Representative Lisa Blunt Rochester
Representative Suzanne Bonamici
Representative Mike Bost
Representative Jamaal Bowman
Representative Kevin Brady
Representative Vern Buchanan
Representative Larry Bucshon
Representative Buddy Carter
Representative Joaquin Castro
Representative Steve Chabot
Representative Judy Chu
Representative James Comer
Representative Rick Crawford
Representative Dan Crenshaw
Representative Sharice Davids
Representative Danny K. Davis
Representative Peter DeFazio
Representative Suzan DelBene
Representative Val Demings
Representative Ted Deutch
Representative Jeff Duncan
Representative Veronica Escobar
Representative Anna Eshoo
Representative Scott Fitzgerald
Representative Bill Foster
Representative Virginia Foxx
Representative Mike Garcia
Representative Sylvia Garcia
Representative Jimmy Gomez
Representative Mark Green
Representative Raúl M. Grijalva
Representative Michael Guest
Representative Yvette Herrell
Representative Chrissy Houlihan
Representative Sara Jacobs
Representative Ro Khanna
Representative Dan Kildee
Representative Young Kim
Representative Adam Kinzinger
Representative Darin LaHood
Representative Zoe Lofgren
Representative Tom Malinowski
Representative Carolyn Maloney
Representative Doris Matsui
Representative Michael McCaul
Representative Donald McEachin
Representative Gregory Meeks
Representative Carol Miller
Representative Blake Moore
Representative Joseph Morelle
Representative Jerrold Nadler
Representative Richard Neal
Representative Donald Norcross
Representative Frank Pallone Jr.
Representative Chris Pappas
Representative Chellie Pingree
Representative Cathy McMorris Rodgers
Representative Mary Gay Scanlon
Representative Jan Schakowsky
Representative David Scott
Representative Bobby Scott
Representative Adrian Smith
Representative Darren Soto
Representative Haley Stevens
Representative Mark Takano
Representative Glenn Thompson
Representative Tom Tiffany
Representative Dina Titus
Representative Paul Tonko
Representative Nydia Velázquez
Representative Ann Wagner
Representative Michael Waltz
Representative Maxine Waters
Representative Randy Weber