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WORKFORCE PROTECTIONS

Congress of the United States
House of Representatives
Washington, DC 20515-4707

June 23, 2020

The Honorable Donald J. Trump
President
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Trump:

For years, most personal protective equipment (PPE) has been manufactured outside the United States.ⁱ This outsourcing has left the United States unprepared to meet our nation's urgent domestic needs for PPE during the COVID-19 pandemic. The chronic shortage of PPE leaves the nation's employers, government bodies and public-serving institutions in a bidding war with each other for a limited domestic supply. Increasing domestic manufacture of PPE will also preserve and expand American manufacturing jobs. To address this impediment to national security, we ask that you invoke the Defense Production Act (DPA) to jump-start domestic production of PPE.

Providing targeted support for domestic manufacturing is squarely in line with Buy American policiesⁱⁱ and would greatly aid in the economic recovery of our nation while reducing trade deficits and overreliance on foreign manufacturers. The U.S. was already at a medical equipment trade deficit of 14 percent before COVID-19, and had a medical equipment trade deficit of over seven percent with China.ⁱⁱⁱ Before the COVID-19 outbreak, China was the largest exporter of PPE in the world, exporting over 17 percent of the world's PPE and 25% of the world's face masks.^{iv} China has been ramping up PPE manufacture during COVID-19 and is now positioned to become the dominant manufacturer of medical equipment and PPE^v – creating an even higher risk that, without intervention, the U.S. will remain reliant on foreign manufacturing that may be stopped or started at will for political means.

Once the DPA is activated, the federal government will be able to reprioritize and redirect domestic PPE to the areas that need it most in the short-term, while enabling manufacturers to repurpose and retool their equipment to scale up domestic PPE production to ensure the steady domestic supply necessary to meet the scale of the crisis in the long-term. Current trends indicate that a second wave of COVID-19 is possible in the coming months.^{vi} We must ensure that we are rapidly scaling up domestic production of PPE to both meet current needs and prepare for a possible resurgence of cases. Although existing domestic PPE producers are working hard and other companies have stepped up to divert their domestic manufacturing

capacity to PPE^{vii}, this output combined does not meet the nation’s massive needs.^{viii} The federal government should act decisively to ensure adequate production.

Key industries have asked the federal government for help in ensuring an adequate supply of PPE. High-exposure professions include healthcare, law enforcement and corrections, education and childcare, grocery and food service, and construction and repair continue to seek support in gaining access to adequate PPE.^{ix} Many of these frontline workers have already paid a very high price, experiencing disproportionately high rates of hospitalization and death from COVID-19.^x While many employers are committed to providing PPE for their workforces, these employers are struggling to find adequate PPE to meet their needs. The most essential and lacking PPE needed includes CDC-certified filter and N-95 masks; gloves; and gowns.

Ensuring adequate domestic production of PPE is critical to our nation’s economic recovery. As states are reopening, we have begun to see outbreaks in workplaces, such as meatpacking facilities and on farms. Outbreaks create instability, resulting in lost productivity and revenue for businesses, many of which have already been hard-hit and are struggling to survive. PPE is an essential tool in protecting workers and keeping our economy functioning until a vaccine for COVID-19 is available.

Using the DPA for PPE production is a common-sense, nonpartisan way to bolster national security, preserve manufacturing jobs and ensure heightened American productivity. The Heritage Foundation has called the Trump administration’s use of the DPA to direct production of certain products a “pragmatic approach[...] to the supply challenges being faced by the health industry.”^{xi} Former Assistant Secretary of Defense Joshua Gotbaum wrote that using the DPA in this way would allow “federal agencies to collaborate with business to get critical supplies during emergencies — by encouraging investment and speeding production — and direct them to where they’re most needed.”^{xii}

Bolstering the domestic production of PPE is a national security issue. Most PPE production has been outsourced – which has left states and employers unable to meet domestic needs in this time of global crisis. Our nation cannot afford to wait for PPE to be manufactured elsewhere – we need it now. Just as the Defense Production Act was used to ensure adequate, immediate production of ventilators, we urge you to use the DPA to immediately boost PPE production.

Sincerely,



PRAMILA JAYAPAL
Member of Congress



JAIME HERRERA BEUTLER
Member of Congress

Also signed by:

/s/
David Cicilline
Member of Congress

/s/
Peter A. DeFazio
Member of Congress

/s/
Suzan DelBene
Member of Congress

/s/
Brian Fitzpatrick
Member of Congress

/s/
Raúl M. Grijalva
Member of Congress

/s/
Denny Heck
Member of Congress

/s/
Derek Kilmer
Member of Congress

/s/
Rick Larsen
Member of Congress

/s/
Susie Lee
Member of Congress

/s/
Kim Schrier, M.D.
Member of Congress

/s/
Dina Titus
Member of Congress

/s/
Filemon Vela
Member of Congress

/s/
Nydia M. Velázquez
Member of Congress

ⁱ White House Fact Sheet, “President Donald J. Trump Is Ensuring We Have the Strong National Stockpile and Industrial Base Needed to Meet Any Challenge,” (May 14, 2020) <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-ensuring-strong-national-stockpile-industrial-base-needed-meet-challenge/> (“Since less than half of personal protective equipment (PPE) is manufactured in North America, our supply chain was extremely vulnerable to foreign production interruptions. The coronavirus pandemic exposed the need to increase domestic production and reduce foreign dependence on items critical to our Nation’s health and national security.”)

ⁱⁱ See Executive Order 13788, “Executive Order on Maximizing Use of American-Made Goods, Products, and Materials,” <https://www.whitehouse.gov/presidential-actions/executive-order-maximizing-use-american-made-goods-products-materials/>

ⁱⁱⁱ Federal Reserve Bank of St. Louis, “How Much Does the U.S. Rely on Other Countries for Essential Medical Equipment?,” (April 8, 2020) <https://www.stlouisfed.org/on-the-economy/2020/april/us-rely-other-countries-essential-medical-equipment>

^{iv} World Trade Organization, “Trade in Medical Goods in the Context of Tackling COVID-19,” (April 3, 2020) https://www.wto.org/english/news_e/news20_e/rese_03apr20_e.pdf (see Chart Two)

^v Congressional Research Service, “COVID-19: China Medical Supply Chains and Broader Trade Issues,” (April 6, 2020) <https://www.crs.gov/reports/pdf/R46304>

^{vi} CNN, [“Another wave of coronavirus will likely hit the US in the fall. Here's why and what we can do to stop it.”](#), (May 2, 2020) (“I’m almost certain it will come back, because the virus is so transmissible and it’s globally spread,” said Dr. Anthony Fauci during an Economic Club of Washington webinar earlier this week. Americans could be in for “a bad fall and a bad winter” if the country is unprepared, said Fauci, who is the director of the National Institute of Allergy and Infectious Diseases.” Health experts say the coming months would be a good time to prepare for a potential second outbreak of the virus. Hospitals and clinics should replenish their stocks of personal protective equipment and testing supplies. People should try to get healthier if possible, continue using face masks for the time being and keep gatherings to no more than 10 people, several experts told CNN.”)

^{vii} American Enterprise Institute, “The COVID-19 Manufacturing Tracker: Responding to the Defense Production Act,” (April 13, 2020) <https://www.aei.org/multimedia/defense-production-act-production-tracker/> (listing 68 companies that have made line shifts to begin to manufacture PPE in the United States; but note some of these shifts involve minimal amounts of PPE. For example, SpaceX is listed as one of the companies that made a line shift, but is only reported to have manufactured 75 face shields).

^{viii} Centers for Disease Control, “Strategies to Optimize the Supply of PPE and Equipment,” <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/index.html> (“PPE shortages are currently posing a tremendous challenge to the US healthcare system because of the COVID-19 pandemic. Healthcare facilities are having difficulty accessing the needed PPE and are having to identify alternate ways to provide patient care.”); American Medical Association, “COVID-19: National Physician Town hall questions on PPE,” (April 9, 2020) <https://www.ama-assn.org/delivering-care/public-health/covid-19-national-physician-town-hall-questions-ppe> (“In light of the serious, ongoing concern over the shortage of necessary PPE for frontline health care and laboratory personnel, the AMA has called on the Federal Emergency Management Agency to act as the single national source for procurement of the supplies. As physicians confront the challenges of reopening their practices, we know that access to PPE, for themselves and their staff, as well as for their patients, is a growing concern and we are working with policymakers on a solution.”)

^{ix} Visual Capitalist and the World Economic Forum, [These are the occupations with the highest COVID-19 risk](#) (4/20/20); Baker, Peckham, Seixas, “[Estimating the burden of United States workers exposed to infection or disease: a key factor in containing risk of COVID-19 infection](#),” University of Washington, Department of Environmental and Occupational Health Sciences, Working Paper.” (3/6/20) (While the majority of exposed workers are employed in healthcare sectors, other occupational sectors also have high proportions of exposed workers. These include protective service occupations (e.g. police officers, correctional officers, firefighters), office and administrative support occupations (e.g. couriers and messengers, patient service representatives), education occupations (e.g. preschool and daycare teachers), community and social services occupations (community health workers, social workers, counselors), and even construction and extraction occupations (e.g. plumbers, septic tank installers, elevator repair)

^x CQ, [Transport workers give low marks to federal virus protection](#) (4/24/20) (“Roughly 100 workers for local transit systems have died since the pandemic swept across the country...); Washington [Post.com](#), “‘It feels like a war zone’: As more of them die, grocery workers increasingly fear showing up at work,” (“At least 41 grocery workers have died so far...More than 1,500 supermarket workers throughout the country have tested positive for the coronavirus...”); Midwest Center for Investigative Report, [Tracking Covid-19’s impact on meatpacking workers and industry](#) (4/16/20); “As of April 24, there have been at least 3,773 reported positive cases tied to meatpacking facilities at 66 plants in 24 states, and at least 17 reported worker deaths at 8 plants in 8 states”); New York Magazine, The Cut, [Every Food and Delivery Strike Happening Now](#) (4/21/20) (“More than 130 warehouse employees have reportedly tested positive for coronavirus, says United for Respect.”); Forbes, “First Known Amazon Warehouse Worker Dies From COVID-19,” (April 15, 2020) <https://www.forbes.com/sites/rachelsandler/2020/04/14/first-known-amazon-warehouse-worker-dies-from-covid-19/#ada2ebd4e515>; NBC Boston, “Swampscott Whole Foods Employee Dies From Coronavirus,” (last checked on April 17, 2020) <https://www.nbcboston.com/news/local/swampscott-whole-foods-employee-dies-of-coronavirus/2109335/>.

^{xi} The Heritage Foundation, “The U.S. Should Focus on Targeted and Temporary Tools to Ensure Access to Medical Supply Chains,” (April 14, 2020) <https://www.heritage.org/homeland-security/report/the-us-should-focus-targeted-and-temporary-tools-ensure-access-medical>

^{xii} Joshua Gotbaum, Brookings, “Use the Defense Production Act for more than just ventilators,” (March 30, 2020) <https://www.brookings.edu/opinions/use-the-defense-production-act-for-more-than-just-ventilators/>