

# United States Senate

WASHINGTON, DC 20510

June 24, 2022

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare and Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Administrator Brooks La-Sure:

We write to express our strong support for the Centers for Medicare and Medicaid Services (CMS) proposal to bolster American mask manufacturers and encourage hospitals to buy American. Specifically, we appreciate CMS' recognition of the need for a robust domestic supply of surgical N95 respirators in its Fiscal Year (FY) 2023 Medicare Hospital Inpatient Prospective Payment System (IPPS) proposed rule. It is critically important that the agency move forward with a final rule that would provide payment adjustments to support hospitals' purchase of domestically produced NIOSH-approved surgical N95 respirators.

At the onset of the COVID-19 pandemic, American hospitals faced severe shortages of NIOSH-approved surgical N95 respirators. These surgical respirators are essential for the protection of Medicare and Medicaid beneficiaries and those who provide care to patients, and we must do everything we can to prevent future shortages. Thankfully, for the past two years, American companies and American workers have retooled manufacturing lines to meet the need for this essential product. The entrepreneurship and patriotism of these companies has saved lives, and we now have dozens more manufacturers of N95 respirators, their components and raw materials, based here in the United States than we did before the pandemic, when less than 10 percent of N95 respirators were manufactured domestically.

Unfortunately, too many U.S.-based manufacturers are struggling to exist as hospitals and health systems continue to grapple with the choice between purchasing more expensive domestically-made N95s or cheaper masks made in China. We agree that implementation of a payment adjustment for purchases of wholly domestically made NIOSH-approved surgical N95 respirators would help sustain "a level of supply resilience for surgical N95 respirators that is critical to protect the health and safety of personnel and patients in a public health emergency."<sup>1</sup> Both approaches outlined by the Inpatient Prospective Payment System (IPPS) proposed rule would improve our nationwide preparedness for future threats, promote the safety of providers and patients, and bolster our domestic manufacturing supply chains by supporting our Made-in-America economy. Further, we encourage CMS to examine ways to incentivize purchases of other domestically manufactured PPE, including surgical and isolation gowns, face masks, face shields, and eyewear, during future rulemaking.

---

<sup>1</sup> <https://public-inspection.federalregister.gov/2022-08268.pdf>

It is critically important now and moving forward for our country to possess a ready-supply of NIOSH-approved surgical N95 respirators and raw material inputs that are wholly domestically made. U.S. companies and their workers are ready to support this effort, and we applaud your work to ensure that hospitals and health systems have the resources needed to buy American-made masks.

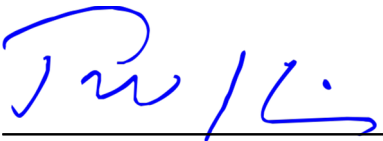
Sincerely,



Tammy Baldwin  
United States Senator



Mark R. Warner  
United States Senator



Tim Kaine  
United States Senator



Tina Smith  
United States Senator



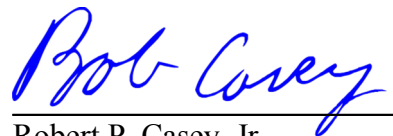
Christopher S. Murphy  
United States Senator



Debbie Stabenow  
United States Senator



Sherrod Brown  
United States Senator



Robert P. Casey, Jr.  
United States Senator