

ONE HUNDRED SIXTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
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June 26, 2020

The Honorable Alex M. Azar II  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, DC 20201

Dear Secretary Azar:

As our country continues to respond to the coronavirus disease of 2019 (COVID-19) pandemic and continues preparations for mitigating the spread of the virus in the coming months, I am writing to request that you provide Congress with the state testing plans that are required to be submitted to you as Secretary of the Department of Health and Human Services (HHS or the Department) pursuant to the Paycheck Protection Program and Health Care Enhancement Act, as enacted on April 24, 2020.

The Paycheck Protection Program and Health Care Enhancement Act requires each state, locality, territory, tribe, or tribal organization receiving federal funding for COVID-19 testing pursuant to the Act to submit its plan to the Secretary of HHS for COVID-19 testing and its goals for the remainder of the 2020 calendar year within 30 days of enactment. This provision was intended to ensure the federal government has a full understanding of the testing capacity and ongoing testing needs of each state and locality so the federal government can efficiently coordinate with state and local partners and provide a cohesive framework for increasing testing capacity and access to testing.

Specifically, the legislation required that the testing plans must include:

- (1) the number of tests needed, month-by-month, to include diagnostic, serological, and other tests, as appropriate;
- (2) month-by-month estimates of laboratory and testing capacity, including related to workforce, equipment and supplies, and available tests;
- and (3) a description of how the State, locality, territory, tribe, or tribal organization will use its resources for testing, including as it relates to easing any COVID-19 community mitigation policies.<sup>1</sup>

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<sup>1</sup> Paycheck Protection Program and Health Care Enhancement Act, Pub. L. No. 116-139.

As noted in the May 24, 2020, HHS “Report to Congress: COVID-19 Strategic Testing Plan,” HHS set a deadline for states and localities to submit plans for the months of May and June to the Department by May 30, 2020, and plans for the remainder of 2020 by June 15, 2020,<sup>2</sup> however, it has come to my attention that some jurisdictions have sought additional time to respond. HHS has made clear that instead of coordinating a national strategy for COVID-19 testing, the Administration intends to defer much of the nation’s testing strategy to the states, noting that “the Federal government is supporting and encouraging States, territories, and tribes to build a multi-layered approach that incorporates and fully leverages all components of the testing ecosystem.”<sup>3</sup>

I continue to strongly believe that a national testing strategy, coordinated and spearheaded by the federal government, is the most effective approach to ensuring our nation has adequate testing capacity to respond to COVID-19. Given this Administration’s deference to states and localities, it is even more critical that these testing plans be made public in order for Congress and the American people to review and analyze the testing efforts underway at the state and local level. Without this information, we will be unable to ensure that the testing levels and goals are being met and the testing capacity and supply needs have been attained. It is also critical that federal oversight and coordination is taking place to properly respond to new surges in the number of COVID-19 cases.

It is ineffective and inefficient to rely on our state and local leaders to coordinate the release of their individual plans. Instead, it is necessary that HHS release all of the plans that have been submitted to the Department so Congress can compare across states and localities. This will allow us to more fully understand the testing capacity on the ground in each of these states as the nation reopens the economy.

Given the large federal investments that have been made to increase testing capacity and access to testing, Congress and the American people have a right to understand the status of COVID-19 testing in their own states and what these jurisdictions are doing to prepare for the future. For this reason, I request that you provide the Committee with all of the state and local testing plans required to be submitted to HHS pursuant to the Paycheck Protection Program and Health Care Enhancement Act no later than July 6, 2020.

Sincerely,



Frank Pallone, Jr.  
Chairman

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<sup>2</sup> U.S. Department of Health and Human Services, *Report to Congress: COVID-19 Strategic Testing Plan* (May 24, 2020).

<sup>3</sup> *Id.*