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## United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

March 30, 2017

The Honorable Gene L. Dodaro  
Comptroller General of the United States  
441 G St., NW  
Washington, DC 20548

Dear Mr. Dodaro:

As I conveyed to you in our recent meeting, I am concerned about the continuing erosion of America's manufacturing base. The defense industrial base in particular is vital, but has contracted over the last several decades due to a variety of macroeconomic factors. In addition to these systemic factors, I believe that weak enforcement of our domestic government procurement laws, coupled with statutory flexibility built into those laws, contribute to this decline, and will impede future growth.

Efforts to understand and address these issues in the manufacturing sector will likely be at the top of the congressional agenda in the coming months. I believe we would benefit from having current information on the extent to which existing mechanisms to enhance the health of U.S. manufacturers have been effectively implemented, and what Congress can do to fully achieve the goals of these existing domestic purchasing statutes.

Specifically, I am interested in the implementation of statutes that require the procurement and use of domestically produced manufactured goods. As a result of a series of Department of Defense Inspector General reports that showed high rates of non-compliance with the *Buy American Act* and *Berry Amendment* in military purchasing, I am concerned that these laws are not being properly implemented. The applicability of the *Buy American Act* is already quite limited due to the *Trade Agreements Act of 1979*, so any additional non-compliance only further erodes the efficacy of the statute.

In addition to these two statutes, I also write to you with concern over another group of statutes applicable to the Department of Transportation and the Environmental Protection Agency. This collection of policies is commonly referred to as the "Buy America Act", and generally requires that steel, iron, and manufactured products used in infrastructure projects be manufactured in the United States. As Congress shifts its focus to infrastructure improvements, these statutes will be critical in realizing the policy goals associated with increased infrastructure investment.

Aside from these three major statutory requirements, there are perhaps dozens of smaller, targeted requirements for agencies to give preference to American manufacturers. One of these more-specific polices is *49 U.S.C. §24305*, which requires Amtrak to buy American-made items that cost over \$1 million. Another is *15 U.S. Code § 631 and § 661* which requires the Small Business Administration to give preference to small businesses which use or purchase equipment and supplies produced in the United States, and to encourage small businesses receiving assistance to purchase such equipment and supplies.

I would appreciate a review by the Government Accountability Office of these statutes and related annual appropriations guidelines that require agencies to support American manufacturers. I ask that you address the following questions in your review:

- What policies and procedures do the top spending agencies have in place to ensure compliance with applicable domestic purchasing laws and regulations? How do these policies and procedures apply with regard to large manufactured products that contain many separately manufactured components?
- What type of training do contracting personnel at these agencies receive related to domestic purchasing requirements?
- To what extent do the agencies have internal controls to ensure that these requirements been effectively implemented?
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Thank you for your attention to this matter. We look forward to the results of your work and any potential recommendations you may have. Please work with Melissa Zimmerman of the committee's staff, or Mark Ritacco in my office, on the timeframes and other issues related to your review.

Sincerely,



Senator Chris Murphy  
Ranking Member  
Subcommittee on the Legislative Branch