



March 13, 2020

The Honorable Ted Cruz
127A Russell Senate Office Building
Washington D.C. 20510

The Honorable Mike Lee
361A Russell Senate Office Building
Washington D.C. 20510

Dear Senators Cruz and Lee:

On behalf of National Taxpayers Union (NTU), I write to thank you for introducing the Reciprocity Ensures Streamlined Use of Lifesaving Treatments (RESULTS) for Coronavirus Patients Act of 2020.¹ This legislation would lower regulatory barriers for bringing drugs, biologics, and medical devices that treat or prevent the coronavirus to market in the U.S., at a critical time for our nation's public health system. It will also promote global competition to find treatments and cures for the pandemic and expand patient options, without compromising the free-market structure that supports innovative products.

When NTU endorsed your similar legislation introduced last year, the RESULT Act (S. 2161), we said it:

“...would be a strong first step to reforming the FDA's outdated approach, by providing an expedited, reciprocal approval process for drugs, biologics, or medical devices that have been authorized to be lawfully marketed in a limited set of other countries. The legislation includes responsible limits to this expedited process, allowing the Secretary of Health and Human Services to decline a reciprocal approval if the Secretary determines a drug or device would not be safe and effective.”²

All of this applies to the RESULTS for Coronavirus Patients Act, but we especially appreciate your re-introduction of this legislation given the significant public health challenges facing America and the world. With lab materials,³ prescription drugs,⁴ and medical devices⁵ in short supply in parts of the U.S., it is more clear than ever that patients are in need of a streamlined process for importing safe, effective drugs and devices from our global trading partners. Your legislation would accomplish this by tearing down regulatory barriers, rather than attempting to artificially control prices or supply levels domestically.

¹ Senator Ted Cruz. (March 11, 2020). “A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for reciprocal marketing approval of certain drugs, biological products, and devices that are authorized to be lawfully marketed abroad, and for other purposes.” Retrieved from: <https://www.cruz.senate.gov/files/documents/Letters/TAM20320.pdf> (Accessed March 13, 2020.)

² Lautz, Andrew. “NTU Thanks Senator Cruz for Introducing the RESULT Act.” National Taxpayers Union, July 26, 2019. Retrieved from: <https://www.ntu.org/publications/detail/ntu-thanks-senator-cruz-for-introducing-the-result-act>

³ Lim, David; Ehley, Brianna. “Exclusive: U.S. coronavirus testing threatened by shortage of critical lab materials.” *Politico*, March 10, 2020. Retrieved from: <https://www.politico.com/news/2020/03/10/coronavirus-testing-lab-materials-shortage-125212> (Accessed March 13, 2020.)

⁴ Lupkin, Sydney. “How Coronavirus Is Affecting The U.S. Pharmaceutical Supply.” *NPR*, March 12, 2020. Retrieved from: <https://www.npr.org/sections/health-shots/2020/03/12/814623335/how-coronavirus-is-affecting-the-u-s-pharmaceutical-supply> (Accessed March 13, 2020.)

⁵ Nedelman, Michael; Yu, Gina. “Health care braces for shortages of supplies due to coronavirus.” *CNN*, February 29, 2020. Retrieved from: <https://www.cnn.com/2020/02/29/health/fda-medical-device-mask-hospital-shortage/index.html> (Accessed March 13, 2020.)

Thank you for introducing the RESULTS for Coronavirus Patients Act, and we stand ready to work with you on further innovative ways to tear down barriers in the way of responding quickly and effectively to this challenge.

Sincerely,

Andrew Lautz
Policy and Government Affairs Manager