



Congress of the United States
House of Representatives
Washington, DC 20515-0906

April 27, 2020

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
H-204, U.S. Capitol
Washington, D.C. 20515

The Honorable Mitch McConnell
Majority Leader
United States Senate
S-230, U.S. Capitol
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
S-220, U.S. Capitol
Washington, D.C. 20510

Dear Speaker Pelosi, Minority Leader McCarthy, Majority Leader McConnell, and Minority Leader Schumer:

The Republican Study Committee's Health Care Task Force has been closely monitoring the current COVID-19 pandemic, and we write to reaffirm our commitment to a targeted, effective, and thoughtful response to this unprecedented crisis.

After approving the largest spending authorization in American history, it is imperative that the focus of Congress remains fixed on ensuring those dollars are spent wisely and efficiently on the emergency response, correcting any unforeseen issues produced by prior legislation, and strengthening the capability of our health care system to counteract the virus.

At the same time, Congress must be faithful to its responsibility to defend our Constitution and preserve the inalienable rights to life, liberty and property. As conservatives, it is our particular responsibility to safeguard those rights and foundational principles for generations to come. Those are the same principles that have guided our great nation since its founding, and they guide us still today in our response to the novel coronavirus and in our ongoing fight to strengthen America's health care system. Now, more than ever, Americans need a system that puts the patient first, gives doctors and nurses the supplies they need, and removes the inherent barriers to innovation latent in our bureaucracy.

Phase III of the Congressional response to COVID-19, the recently passed Coronavirus Aid, Relief, and Economic Security (CARES) Act, included a number of policies based on those priorities. It bolstered the Strategic National Stockpile with needed medical supplies such as personal protective equipment (PPE), removed barriers to telemedicine at the Centers for Medicare and Medicaid Services (CMS), and streamlined Food and Drug Administration (FDA) regulations to confront the current drug and device shortages our nation faces.

Those measures build on the actions taken by the Trump Administration to streamline approvals, strengthen supply, and increase flexibility within our federal health programs. The administration's forward-thinking approaches, including policies such as relaxing the regulation of health savings accounts (HSA), expanding health reimbursement



arrangements (HRA), and increasing the availability of short-term limited duration (STLD) plans, will be essential for millions of Americans who now find themselves in need of choices as they face increasing economic uncertainty.

At the Republican Study Committee, we also take seriously our duty to expose and denounce any efforts to exploit the tragedy of this pandemic for partisan purposes. Before President Trump had even signed the \$2 trillion Phase III bill, top Democrats were already calling for a Phase IV package of legislation riddled with liberal wish list items unrelated to the current crisis. Before future legislative measures are considered, it is imperative that we gain a better understanding of both the threat being faced and the effects of the actions we have already taken. Only then can Congress act with wisdom and in a manner that does not waste the limited resources of American taxpayers.

If and when further action is required of Congress, such action must be targeted toward what is needed to combat COVID-19, now and in any subsequent waves. The following policy options would provide our health care system with the flexibility and stability it needs to address and overcome this challenge:

- Suspend the requirement that HSAs be tied to a high-deductible health plan (HDHP).
- Have the FDA fast-track the approval here of any device or drug already approved to test for COVID-19 in one or more allied countries.
- Establish a Pharmaceutical Chief Negotiator at the United States Trade Representative (USTR) to identify and address protectionist measures that could disrupt supply chains or freeload on innovative investments. This new official would also use enforcement tools against foreign governments that exploit protectionist measures to devalue and impose price controls on American innovation.
- Remove regulatory barriers to the production of drugs, pharmaceutical ingredients and medical devices in America to support the onshoring of manufacturing and reduce financial risk for manufacturers who relocate or expand production capacity in the United States. Allow businesses to fully and immediately expense their investments in research and development and physical capital.
- Utilize EUREKA prize competitions to incentivize the rapid development of a therapeutic drug or drugs to treat COVID-19 now and in subsequent waves.
- Suspend the ban on new physician-owned hospitals (POHs) to allow for hospital supply to catch up with the rapid uptick in demand for hospital services.
- Encourage states to suspend certificate-of-need laws which restrict the ability of hospitals and hospital systems to add capacity, which can have devastating effects during a crisis.
- Direct the Federal Aviation Administration to relax federal restrictions on drone deliveries of medical supplies.
- Build upon the CARES Act and efforts of the Trump administration to further expand the availability of telemedicine services and encourage licensing reciprocity to allow for telemedicine delivery across state lines.
- Ensure that new funding, subsidies, tax credits, and reforms cannot be used to provide access to elective abortions.

As a top priority, we must oppose any partisan health care policy proposals that are not directly related to the issues at hand. The early lessons from the public health response to COVID-19 show the most effective actions taken so far have been driven by private sector innovation and resulted from federal and state governments removing bureaucratic red tape. In contrast, the failings of big-government, single-payer systems in the United Kingdom and Italy should serve as a warning that more government barriers only hinder an effective response. Understanding



this, the Trump administration has enabled massive bureaucracies within HHS, CMS, and the FDA to move with unprecedented efficiency. These successes should be supported, not burdened with politically-driven wish lists and mandates.

Every day of this crisis we lose more of our beloved family members, friends, neighbors and fellow citizens. Still, the great tragedy this pandemic is accompanied by the solemn and hopeful reminder that we are all in this together. The virus sees no partisan lines, no state borders, no religion, race, or gender. It afflicts doctor and patient alike. And while it may inevitably transform humanity in many ways, certain principles will always serve as our nation's creed: all of us are created equal, and endowed by God with inalienable rights to life, liberty, property and the pursuit of happiness.

We stand ready to work with you to protect those rights.

Sincerely,



Rep. Mike Johnson (LA-04)
Chairman, Republican Study Committee



Rep. Roger Marshall, M.D. (KS-01)
Chairman, RSC Health Care Task Force

CC:
The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

The Honorable Mike Pence
Vice President of the United States
Chair, White House Coronavirus Task Force
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

The Honorable Steven Mnuchin
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

The Honorable Russel T. Vought
Acting Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

The Honorable Mark Meadows
Chief of Staff to the President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

