

United States Senate

WASHINGTON, DC 20510

September 29, 2016

The Honorable Harry Reid
Minority Leader
U.S. Senate
522 Hart Senate Office Building
Washington, DC 20510

Dear Minority Leader Reid:

Yesterday, I requested unanimous consent to call up and pass S. 2912, the Trickett Wendler Right to Try Act of 2016. I am deeply disappointed that you objected to my request—delaying the passage of bipartisan legislation to give hope to terminal patients across the nation. I am writing to set the record straight about several issues you raised in your objection.

First, you stated that “we’ve asked for there to be a hearing on” S. 2912, suggesting there have been none held in the Senate. That is not accurate. The Committee on Homeland Security and Governmental Affairs, which I chair, has held two hearings examining the issues addressed by this legislation. On February 25, 2016, my Committee held a hearing to examine how to connect patients with new and potentially lifesaving treatments, during which witnesses discussed right to try laws.¹ Additionally, just last week, on September 22nd, my Committee held a second hearing to specifically examine my legislation, featuring a patient advocate, state lawmakers, a physician, and a biopharmaceutical entrepreneur. We also heard testimony from Dr. Peter Lurie, the Associate Commissioner for Public Health Strategy and Analysis at the U.S. Food and Drug Administration.²

Second, you described S. 2912 as partisan, saying that Republican colleagues support it “but not Democrats.” Yet forty-two Senators have joined me in co-sponsoring the legislation, including Democratic Senators Manchin and Donnelly. At the state level, right to try laws have passed on overwhelmingly bipartisan bases. As you may know, when Nevada became the 18th state to enact a right to try law last year, it did so unanimously—Democrats and Republicans all voting in favor.

I am also troubled by comments in the press made by your staff describing this effort as “a cheap stunt.”³ Nothing could be further from the truth, and those patients crying out for a right

¹ U.S. Senate, Committee on Homeland Security and Governmental Affairs. *Connecting Patients to New and Potentially Life Saving Treatments*, February 25, 2016.

² U.S. Senate, Committee on Homeland Security and Governmental Affairs. *Exploring a Right to Try for Terminally Ill Patients*, September 22, 2016.

³ Reid Wilson, “California to allow experimental drug treatments for the terminally ill,” *The Hill*, September 28, 2016.

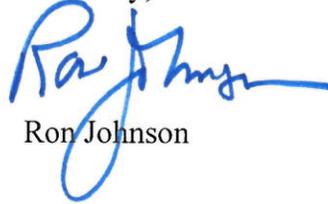
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to try do not see it as such. I have worked tirelessly this year to reach out to various interest groups, educate members about right to try laws, and build a coalition of support here in Congress. It is no secret that the people of Wisconsin will soon go to the polls. I assure you that whatever the result, I will return to the Senate floor in November on behalf of all those terminally ill patients who could care less about the partisan politics in Washington, and want only the right to try to save their own lives. I sincerely hope that once the partisan political season has come to an end, you will reconsider your opposition to this critically important bipartisan legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Johnson", with a long horizontal flourish extending to the right.

Ron Johnson