

United States Senate

WASHINGTON, DC 20510

April 17, 2020

His Excellency Cui Tiankai
Ambassador of the People's Republic of China
2201 Wisconsin Avenue NW, Suite 110
Washington, DC 20007

Dear Ambassador Cui:

We write to you today to express our deep concern regarding the impact of a notice issued on March 31, 2020 by China's Ministry of Commerce, General Administration of Customs, and National Medical Products Association (NMPA), which imposes new requirements on Chinese manufacturers that export COVID-19 testing kits and other medical supplies. While we understand and appreciate China's objective through this measure of preventing the export of low-quality products, these broad restrictions, unfortunately, appear to have the unintended consequence of blocking critical, high-quality medical products from reaching the United States in a timely manner.

Like countries around the world, we are seeing an unprecedented public health crisis due to the COVID-19 pandemic. Hundreds of thousands of individuals in the United States have fallen ill and more than 31,000 have died.¹ As the virus continues to spread, our states are struggling with shortages of testing kits, personal protective equipment, and other medical supplies necessary to respond to this emergency. These shortages are hampering efforts to contain the virus, and placing healthcare workers and their patients at risk.

Under these circumstances, it is vital that suppliers of essential medical products are able to quickly deploy these products to areas in need. We understand the good intent behind the March 31 notification, which requires exporters of certain medical products to comply not only with quality standards and other requirements of the importing country or region, including U.S. Food and Drug Administration (FDA) approval or clearance, as applicable, to export to the United States, but also an NMPA registration for domestic sale in China. As we understand it, the notice was aimed at combating quality concerns related to products originating from China. While we support efforts to ensure quality control, we are concerned that this new requirement is preventing the timely export of important medical supplies. We are aware of a number of reputable American firms, including developers of COVID-19 tests, that have been forced to halt shipments of critical medical products from China to the United States.

With this in mind, we respectfully ask that the Chinese government work with the U.S. State Department and other U.S. agencies to quickly develop a more targeted approach to its new export requirements that does not needlessly prevent quality medical products from quickly reaching the United States. Specifically, we urge China to consider exempting products that may be lawfully distributed in the United States from the NMPA registration requirement, automatically allowing these products to receive the NMPA certification, or expediting the review process for these products in a manner that is appropriate to the ongoing emergency.

¹ <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>

We appreciate your attention to this urgent request, and we hope that this matter can be resolved as expeditiously as possible so that healthcare workers and patients in our states can receive the medical supplies they urgently need.

Sincerely,



Thomas R. Carper
United States Senator
Delaware



Tim Scott
United States Senator
South Carolina



Robert Menendez
United States Senator
New Jersey



Thom Tillis
United States Senator
North Carolina

/s/Benjamin L. Cardin

Benjamin L. Cardin
United States Senator
Maryland

/s/Dan Sullivan

Dan Sullivan
United States Senator
Alaska

/s/Christopher A. Coons

Christopher A. Coons
United States Senator
Delaware

/s/Gary C. Peters

Gary C. Peters
United States Senator
Michigan

/s/Doug Jones

Doug Jones
United States Senator
Alabama

/s/Tammy Duckworth

Tammy Duckworth
United States Senator
Illinois

/s/Jeanne Shaheen

Jeanne Shaheen
United States Senator
New Hampshire

/s/Edward J. Markey

Edward J. Markey
United States Senator
Massachusetts

cc: The Honorable Michael Pompeo
Secretary of State