

Congress of the United States

Washington, D.C. 20515

March 14, 2014

The Honorable Michael Froman
U.S. Trade Representative
Office of the U.S. Trade Representative
600 17th Street NW
Washington, D.C. 20508

Dear Ambassador Froman:

We write to express our deep concern with reports about proposed provisions regarding intellectual property, investment and pharmaceuticals reimbursement in the Trans-Pacific Partnership negotiations (TPP). We believe those provisions, if included in the final agreement, would severely threaten access to affordable medicines in the Asia-Pacific region, particularly in developing countries, and could have potentially serious consequences for patients in developed countries, including the United States.

A series of reports suggest that those provisions would go beyond the obligations under the Trade-Related Aspects of Intellectual Property Agreement (TRIPS) and would backtrack from the principles in the Bipartisan Agreement of May 10, 2007. Such measures could limit generic competition, lead to higher drug prices, and compromise access to affordable medicines. In difficult economic and budget times, it is especially important that we promote trade policies that allow governments to protect their populations and ensure access to life-saving medications. We are concerned that the provisions under discussion – such as those asking countries to enact patent linkage and patent term extension policies – would tip the balance represented in the TRIPS and May 10 compromises away from public health needs in order to further the interests of the pharmaceutical industry.

Many of us have expressed our concerns with specific elements of USTR's proposal in the past, and we appreciate your willingness to discuss them with us. However, we remain very concerned that the proposals which we understand are under consideration remain problematic and could have serious consequences for global health and security. We are particularly concerned by pharmaceutical pricing and reimbursement provisions that could undermine member countries' current or prospective, non-discriminatory drug reimbursement policies and programs (e.g. Medicare, Medicaid, the VA, and other programs).

We are also concerned by provisions that could be used to subvert the implementation of flexible patent standards to protect public health. These include the expanded use of "evergreening," which would allow patent holders, through successive patents, to obtain longer periods of exclusivity for new forms or uses of existing medications, even in the absence of any therapeutic benefits to patients. They also include exclusivity requirements for biologics that would increase costs in other countries and could restrict the U.S. from moving to a 7-year exclusivity period.

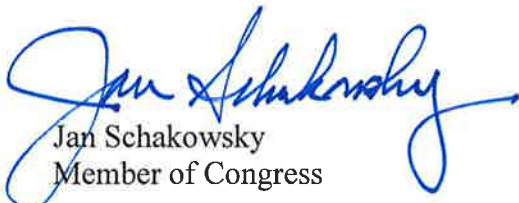
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These changes, coupled with patent requirements for surgical, diagnostic, and therapeutic methods of treatment go beyond the requirements of the TRIPS agreement and could prevent or delay the availability of affordable options for the treatment of a vast number of diseases including HIV/AIDS, Tuberculosis, Malaria, Cancer, Rheumatoid Arthritis, Multiple Sclerosis, Hepatitis C, and other serious illnesses.


Congress has a central role to play in setting policies that assure affordable access to essential medicines and we are deeply disturbed that significant changes from TRIPS and the May 10 agreement would be made in a trade negotiation process that is not open for sufficient Congressional review and oversight and that could restrict policy options for this and future Congresses. We urge you to take our concerns into account and oppose any provisions that would severely reduce healthcare access and affordability at home and abroad.

Thank you for your attention to our concerns.

Sincerely,



Jan Schakowsky
Member of Congress



Barbara Lee
Member of Congress



George Miller
Member of Congress



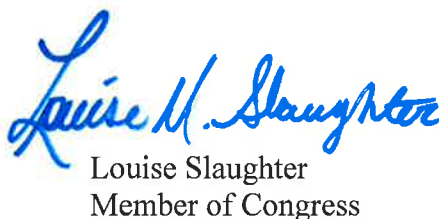
Rosa DeLauro
Member of Congress



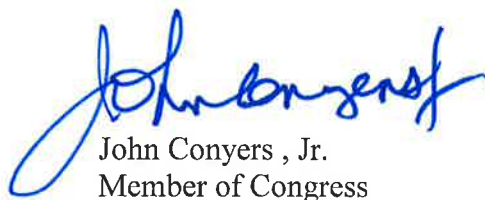
Michael H. Michaud
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Henry C. Johnson, Jr.
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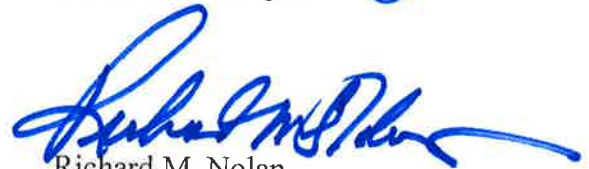
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