

# Congress of the United States

Washington, D.C. 20515

December 9, 2013

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear President Obama:

Knowing of your commitment to improving access to affordable health care in the United States and around the world, we write to ask you to ensure that the ongoing negotiations over the Trans Pacific Partnership (TPP) Agreement do not include provisions that would undermine that goal. We also write to urge that your Administration not make any final trade agreements that affect critical health issues until members of Congress and the public have been given the opportunity to review provisions and provide input on their impact.

Many of us have had the opportunity to raise our concerns about specific proposals with the United States Trade Representative (USTR) and other members of your Administration, specifically proposals relating to patents and pricing of prescription drugs. As a result of those discussions, USTR entered a period of reflection that has now ended. Although TPP negotiations have been conducted in secret, there are numerous reports that many of those very troubling proposals are back on the table.

As reported, the proposals under discussion would have profound and long-lasting consequences. Over the past several decades, much work has been done to balance the intellectual property rights of pharmaceutical companies against the rights of countries to protect the health of their populations. The result has been a series of bipartisan agreements, most recently the Bipartisan Agreement on Trade Policy reached in May 2007, the so-called May 10<sup>th</sup> agreement. The TPP proposals under consideration would move away from that agreement, benefiting the interests of brand-name pharmaceutical companies by taking away the ability and flexibility of countries – including the United States – to act to protect their public health interests.

The effect of data exclusivity, patent registration and procedure, enforcement and other provisions would be to delay generic competition and increase the price of medicines. We have heard from numerous NGOs working on the ground around the world that this would seriously undermine their efforts, leading to preventable illnesses and deaths. In the United States, we have been contacted by state legislators, health care organizations and consumer advocates concerned that the changes would prevent implementation of existing and new cost-control measures, including ideas that you have included in your annual budget recommendations.

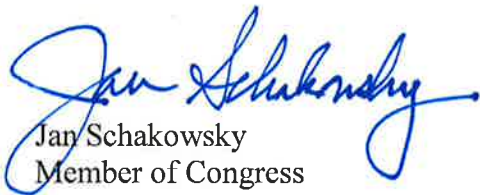
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At a time when we are urging states to expand Medicaid under the Affordable Care Act and looking for ways to reduce the growth of Medicare spending, we believe it makes no sense to take away critical tools to lower spending growth. It is also wrong to jeopardize our Veterans Administration's ability to negotiate lower drug prices as it is stepping up efforts to respond to the needs of our Iraq and Afghanistan veterans.

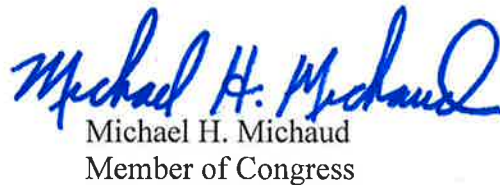
Again, we want to express our strong opposition to actions that would create new barriers to generic competition or remove pricing and formulary options that would allow the United States and other countries to lower the prices of medicines. Certainly, trade negotiations conducted behind closed doors are not the place to make changes that would have such profound consequences for patients and veterans, as well as state and federal budgets.

We appreciate your attention to these issues and look forward to continuing our work together to improve health care access and affordability, at home and abroad.

Sincerely,



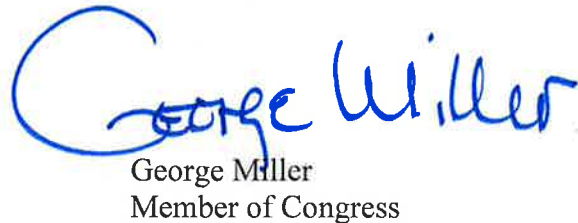
Jan Schakowsky  
Member of Congress



Michael H. Michaud  
Member of Congress



Rosa DeLauro  
Member of Congress



George Miller  
Member of Congress



Barbara Lee  
Member of Congress



Peter Welch  
Member of Congress