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August 30, 2018

The Honorable Robert E. Lighthizer
United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508

Dear Ambassador Lighthizer:

As you work toward a conclusion in the renegotiation of the North American Free Trade Agreement (NAFTA) with both Mexico and Canada, I write to reiterate my strong support for the protection and preservation of access to affordable medicines in any final agreement(s).

Any new or revised U.S. trade agreement should not repeat mistakes of the past, including deals where the United States failed to advance an adequate balance between the protection of intellectual property and access to affordable medicines.

The most direct way to address these concerns is to strike all patent-related pharmaceutical provisions from the original NAFTA Agreement's intellectual property chapter. However, if the negotiations do not allow for that approach, any final agreement(s) should provide for flexibility, and autonomy for public health systems and those seeking to provide safe, quality, affordable medicines.

There were alarming recent press reports on the NAFTA renegotiation that suggest the United States is advancing language that would harm families, workers, and public health systems. These and other rumored proposals would negatively affect consumer medicine prices and access to medical treatment in the United States, Mexico, and Canada.

For example, the announcements earlier this week -- that the United States and Mexico have preliminarily agreed to 10 years of data protection for biologic drugs and an expanded scope of products eligible for protection -- reaffirmed my concern of potential limits to regulatory and legislative authority. Additional problematic possible changes include:

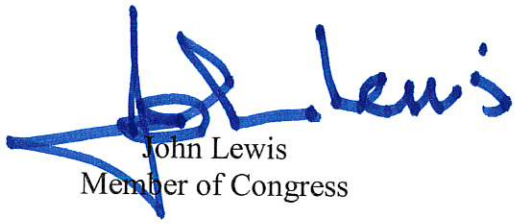
- Extending the length of time or expanding the scope of eligibility for pharmaceutical patents to allow for longer monopolies on medicines;
- Creating new rights for pharmaceutical companies to play a role in public health care programs' drug coverage and reimbursement decisions, which could prevent cost-saving reforms from being enacted; and
- Failing to respect the Doha Declaration on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement and Public Health.

It is important to underscore that the United States must retain the authority to adjust drug pricing by considering obligations related to transparency and considerations made during the government's pharmaceutical pricing and reimbursement determination process. Any final agreement(s) must preserve the flexibility, authority, and duty of the U.S. government to improve access to affordable medicines as needed.

Every day, families struggle with treating and managing diseases like cancer, Alzheimer's, severe allergies, diabetes, and HIV/ AIDS. High costs can deter patients from purchasing and using doctor-prescribed treatment. Simply said, free trade agreements should not prioritize corporations making a profit above the public's health and safety.

As always, I appreciate your consideration of my concerns on this important matter, and I look forward to your response.

Sincerely,



John Lewis
Member of Congress