

Congress of the United States
Washington, DC 20515

September 8, 2011

The Honorable Ron Kirk
The U.S. Trade Representative
600 Seventeenth Street, NW
Washington, DC 20508

Dear Ambassador Kirk:

We write to express our expectation of an improved public health standard as you resume negotiations of the Trans-Pacific Partnership (TPP) trade agreement in Chicago, Illinois.

The standards established by this agreement should reflect our shared goals to improve global health and access to medicines. The terms agreed to by Congress and President Bush on May 10, 2007 should be considered a non-negotiable starting point for the TPP negotiations.

We appreciate USTR's continued updates and consultations regarding this new free trade agreement. In response to your request for guidance, we believe that all of the following principles should be incorporated into the core of the agreement:

- The 'May 10th' public health provisions should be improved with more flexible test data protections, and should eliminate provisions asking countries to enact patent linkage and patent extensions policies;
- The WTO Declaration on the TRIPS Agreement and Public Health principles should be clearly stated within the text of the TPP agreement and not addressed in side-letters;
- TPP standards should be flexible and reflect the diverse economies and public health systems among the developed and developing partner countries;
- The scope of patentability provisions should be voluntary, not mandatory;
- The TPP should not prohibit pre-grant patent opposition; and
- TPP should not undermine either U.S. or other member countries' current or prospective, non-discriminatory drug reimbursement policies and programs (e.g. Medicare, Medicaid, the VA, and other programs).

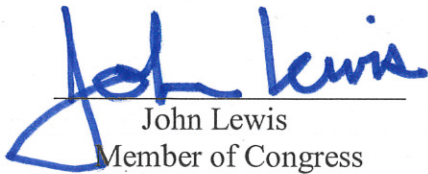
In general, we have long urged an improved and transparent interagency process and structured consultations with public health interests regarding the potential impact of IP and pharmaceutical provisions on U.S. and global public health efforts. The U.S. Agency for International Development, the U.S. Department of Health and Human Services, the U.S. Patent and Trademark Office, and other relevant agencies should be integrally involved in addressing TPP's potential public health impact.

The May 10, 2007 agreement created an improved model for labor, environment, public health, government procurement, and investment. We expect USTR to incorporate the May 10th text into this next generation of trade agreements, but trust that you will strive for an improved standard.

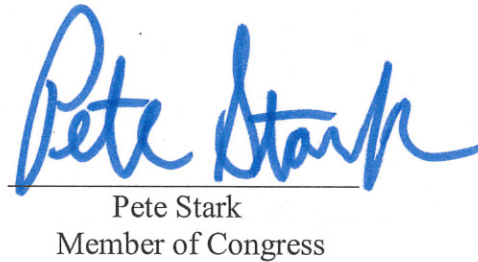
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As always, we thank you for your continued service and consideration of our views on this important matter.

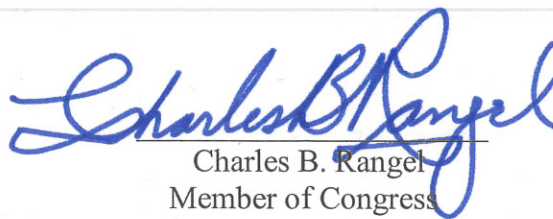
Sincerely,



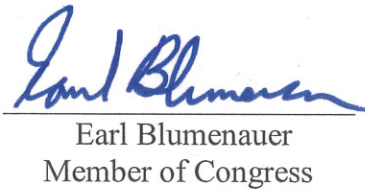
John Lewis
Member of Congress



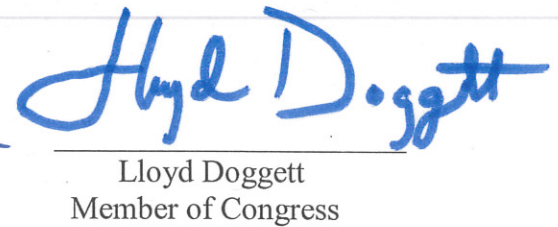
Pete Stark
Member of Congress



Charles B. Rangel
Member of Congress



Earl Blumenauer
Member of Congress



Lloyd Doggett
Member of Congress

CC: The Honorable Sander M. Levin
The Honorable Jim McDermott