July 11, 2019

Congress of the United States

Washington, D.C. 20515

The Honorable Robert E. Lighthizer
U.S. Trade Representative
600 17th Street, NW
Washington, D.C. 20508

Dear Ambassador Lighthizer:

We write to express our strong opposition to provisions that limit access to medicines in the revised NAFTA agreement, also known as United States-Mexico-Canada Agreement (USMCA). Without changes to the underlying trade agreement, patients will pay the high price of prescription drugs for longer and experience no relief from the financial burden often imposed on them and their families by unaffordable medication. We, thus, encourage you to amend the USMCA to increase competition and enhance patient access to more affordable prescription drugs, reflecting the balance achieved in the bipartisan May 10, 2007 agreement.

The USMCA would keep drug prices out of reach for patients by increasing and locking in 10 years of marketing exclusivity for brand biologics, expanding the scope of brand biologics eligible for protection, and making it easier for brand-name drug companies to extend their monopolies through additional patents, patent extensions, and other forms of patent "evergreening." As recently noted by the Food and Drug Administration (FDA), brand biologics now represent 40 percent of all spending on prescription drugs and, from 2010 to 2015, comprised 70 percent of the growth in drug spending.[1] Brand biologics are "forecasted to be the fastest growing segment of drug spending in the coming years."[2] Unfortunately, due to the aforementioned provisions, the USMCA would only exacerbate this trend. Unless the USMCA text is amended, it would limit Congress' ability to adjust the biologics exclusivity period, instead locking the US into policies that keep cancer and other drug prices high while exporting this model to Mexico, which has no additional exclusivity period for biologics, and to Canada, which has an eight-year period.

In order to reduce the cost of prescription drugs for America's patients, patient access to more affordable biosimilars must be enhanced and not delayed by additional monopoly protections for brand biologics. A recent Politico/Harvard poll found lowering prescription drug prices as one of the top overall priorities for the new Congress, with 89 percent of Republicans and 94 percent of Democrats saying it is "extremely important."[3] In contrast, however, polling from Morning Consult found 75 percent of the public is concerned that the USMCA will negatively impact drug prices and 81 percent believe our trade policies should increase – not decrease – access to affordable medicines.[4]

We, therefore, request revisions to the access to medicines provisions in the USMCA to make them consistent with the bipartisan May 10th standard. Improving patient access to more affordable medicines, in particular biosimilars, is essential to lowering prescription drug prices and a critical

---

[1] FDA Commissioner Scott Gottlieb, M.D., Remarks on the Release of the FDA's Biosimilars Action Plan, July 28, 2018, available online.
[2] Ibid.
[3] Politico/Harvard, "Americans' Health and Education Priorities for the New Congress in 2019," January 2019, available online.
[4] Morning Consult, "Americans believe the new U.S.-Mexico-Canada trade agreement (USMCA) will keep drug prices high," October 26-28, 2018, available online.

PRINTED ON RECYCLED PAPER

component of the Administration's *Blueprint to Lower Drug Prices*. Otherwise, the USMCA only doubles down on the unsustainable trend of skyrocketing prescription drug costs by extending the monopoly protections awarded to brand-name drug companies.

We look forward to your reply and would be glad to work with you to improve the access to medicines provisions in the USMCA to benefit America's patients.

Sincerely,

Jan Schakowsky
Member of Congress

Susan A. Davis
Member of Congress

Lloyd Doggett
Member of Congress

Raja Krishnamoorthi
Member of Congress

Rosa L. DeLauro
Member of Congress

Angie Craig
Member of Congress

Andy Levin
Member of Congress

Susan Wild
Member of Congress

Jesus G. "Chuy" Garcia
Member of Congress

Suzanne Bonamici
Member of Congress

Salud O. Carbajal
Member of Congress

Matt Cartwright
Member of Congress

Andre Carson
Member of Congress

Ed Case
Member of Congress



Sean Casten
Member of Congress



Joaquin Castro
Member of Congress



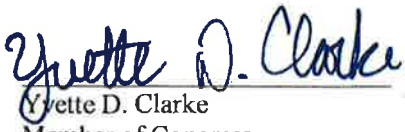
Judy Chu
Member of Congress



David N. Cicilline
Member of Congress



Katherine M. Clark
Member of Congress



Yvette D. Clarke
Member of Congress



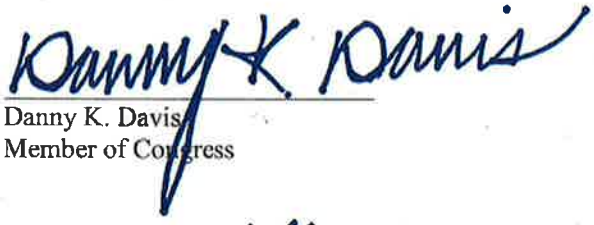
Steve Cohen
Member of Congress



Joe Courtney
Member of Congress



Elijah E. Cummings
Member of Congress



Danny K. Davis
Member of Congress



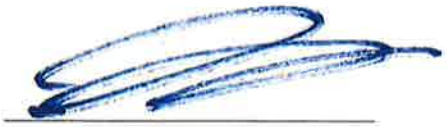
Peter A. DeFazio
Member of Congress



Diana DeGette
Member of Congress



Jahana Hayes
Member of Congress



Antonio Delgado
Member of Congress



Mark DeSaulnier
Member of Congress



Theodore E. Deutch
Member of Congress

Debbie Dingell
Member of Congress

Veronica Escobar
Member of Congress

Adriano Espaillat
Member of Congress

Lois Frankel
Member of Congress

John Garamendi
Member of Congress

Jared F. Golden
Member of Congress

Raul M. Grijalva
Member of Congress

Debra A. Haaland
Member of Congress

Brian Higgins
Member of Congress

Katie Hill
Member of Congress

Eleanor Holmes Norton
Member of Congress

Jared Huffman
Member of Congress

Pramila Jayapal
Member of Congress

Hakeem S. Jeffries
Member of Congress

Marcy Kaptur
Member of Congress

Joe Kennedy III
Member of Congress

Ro Khanna
Member of Congress

Daniel T. Kildee
Member of Congress

Ann Kirkpatrick
Member of Congress

Ann M. Kuster
Member of Congress

John B. Larson
Member of Congress

Brenda L. Lawrence
Member of Congress

Barbara Lee
Member of Congress

Ted W. Lieu
Member of Congress

Daniel Lipinski
Member of Congress

Alan Lowenthal
Member of Congress

Elaine G. Luria
Member of Congress

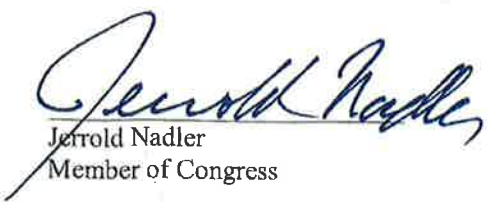
Tom Malinowski
Member of Congress

Carolyn B. Maloney
Member of Congress

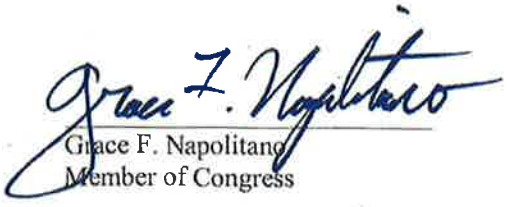
James P. McGovern
Member of Congress

Grace Meng
Member of Congress

Joseph D. Morelle
Member of Congress



Jerrold Nadler
Member of Congress



Grace F. Napolitano
Member of Congress



Joe Neguse
Member of Congress



Donald Norcross
Member of Congress



Ilhan Omar
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



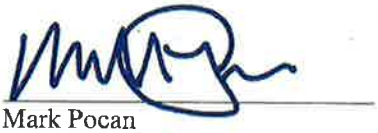
Chris Pappas
Member of Congress



Dean Phillips
Member of Congress



Chellie Pingree
Member of Congress



Mark Pocan
Member of Congress



Katie Porter
Member of Congress



Ayanna Pressley
Member of Congress



Jamie Raskin
Member of Congress



Max Rose
Member of Congress



Lucille Roybal-Allard
Member of Congress



Bobby L. Rush
Member of Congress

Tim Ryan
Member of Congress

John P. Sarbanes
Member of Congress

Mary Gay Scanlon
Member of Congress

Robert C. "Bobby" Scott
Member of Congress

Elissa Slotkin
Member of Congress

Darren Soto
Member of Congress

Mark Takano
Member of Congress

Dina Titus
Member of Congress

Rashida Tlaib
Member of Congress

Paul Tonko
Member of Congress

Norma J. Torres
Member of Congress

Lori Trahan
Member of Congress

Marc A. Veasey
Member of Congress

Nydia M. Velázquez
Member of Congress

Peter J. Visclosky
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Peter Welch
Member of Congress

John A. Yarmuth
Member of Congress

Kathy Castor
Member of Congress

Emanuel Cleaver
Member of Congress

Alcee L. Hastings
Member of Congress

Stephen Lynch
Member of Congress

Betty McCollum
Member of Congress

Frederica S. Wilson
Member of Congress