

# Congress of the United States

Washington, D.C. 20515

October 2, 2015

The Honorable Michael Froman  
United States Trade Representative  
Office of the United States Trade Representative  
600 17<sup>th</sup> Street, N.W.  
Washington, D.C. 20508

Dear Ambassador Froman:

We are writing to urge the Administration to support the request submitted by Bangladesh on behalf of the Least Developed Countries (LDCs) to extend the existing transition period for implementation of pharmaceutical requirements under The Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement. We are aware that this issue is likely to be decided at the next meeting of the WTO Council for TRIPS in mid-October.

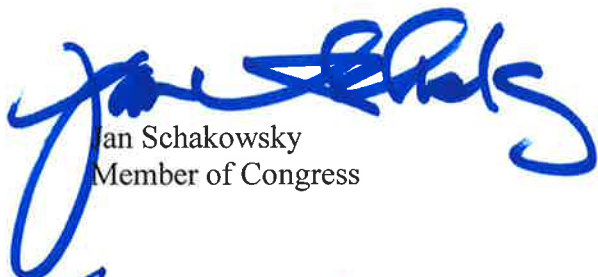
The joint LDC request reflects the continuing realities facing LDCs and the extreme burdens that their populations would face absent an extension. As you know, LDCs are the 48 poorest countries in the world. These are countries that often lack even the most basic necessities; only 34 percent of the population in LDC's have electricity, as opposed to 85 percent worldwide and 100 percent in OECD countries. They represent nearly 13 percent of the world's population but only about 1 percent of the world's income, with an average \$928 per capita income in 2014. In addition to economic and financial challenges, they lack educational, technological and manufacturing capacity, leaving them unable to respond to the massive health burdens they face. For example, according to the most recent data, LDC populations account for more than 25 percent of the 34 million people living with HIV around the world. If the transitional period is allowed to end, we believe those countries will be unable to meet essential health needs, leading to preventable morbidity and mortality as well as global insecurity and poverty.

For those reasons, we believe that indefinite waiver of the WTO obligations to grant and enforce pharmaceutical patents is necessary and should be U.S. policy. Waivers should not end based on an arbitrary date but should end only when a country no longer classifies as an LDC under United Nations established criteria.


We also believe that the LDC joint submission for a permanent extension clearly meets the WTO requirements that such requests be granted when they are "duly motivated." The European Commission has announced it will support a permanent exception for drug and we strongly urge the United States to publicly endorse the indefinite exemption without further delay.

Given the urgency of this issue with the upcoming WTO meeting happening next month, we hope that you will give our concerns your immediate attention. Thank you for your consideration of our views.

Sincerely,



Jan Schakowsky  
Member of Congress



Rosa L. DeLauro  
Rosa DeLauro  
Member of Congress



Barbara Lee  
Member of Congress



Sam Farr  
Member of Congress



Keith Ellison  
Member of Congress



Jim McDermott  
Member of Congress



Raul Grijalva  
Member of Congress