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September 28, 2015

The Honorable Michael Froman
Ambassador
United States Trade Representative
600 17th Street NW
Washington, D.C. 20508

Dear Ambassador Froman:

All over the world, people are finding that the prices of prescription drugs they need are rising and for many people, simply unaffordable. As a result, sick people get sicker. Some die. This situation is especially dire in the poorest countries in the world, countries classified by the United Nations (UN) as Least-Developed Countries (LDCs). The inability of people in these countries to afford the medicine they need is made worse because of a lack of a stable economy or public health infrastructure.

I am writing to request the administration endorse an indefinite waiver of the World Trade Organization's (WTO) obligations to grant and enforce pharmaceutical patents for countries classified by the UN as LDCs. This request is urgent, as the decision will be made in mid-October at the WTO in Geneva.

The average income in these countries is less than \$1,000 per year. Individuals in these countries lack even the most basic necessities. For example, only 34 percent of the population in LDCs has electricity, as compared with 85 percent of people worldwide and 100 percent in richer nations.

In February, these impoverished countries submitted a request to the WTO for a permanent extension of the exception of the obligation to grant drug patents, for as long as a country is classified as an LDC by the UN. The WTO rules require such requests to be granted when they are "duly motivated." This is a reasonable standard. It means that poor countries will be able to afford medicine to keep their people alive. It also means that these countries will have a better chance at building and maintaining public health infrastructure designed to contain global threats, like Ebola and other contagious diseases.

Pope Francis, in his recent address to Congress, encouraged policymakers “to keep in mind all those people around us who are trapped in a cycle of poverty.” The fight against “poverty and hunger,” he said, “must be fought constantly and on many fronts.” Making sure people in poor countries have access to life-saving medicine is our moral responsibility.

The European Commission has announced it will support a permanent exception for drug patents for these poor countries. Based on conversations between my staff and the staff at the United States Trade Representative, I understand the administration does not support a permanent exception for drug patents for these poor countries.

I respectfully ask you to reconsider this position, or, if information regarding the administration’s position is in error, to publicly state U.S. support for the indefinite exemption. Too many lives are at stake.

Sincerely,



Bernard Sanders
United States Senator