

# United States Senate

WASHINGTON, DC 20510-4502

May 24, 2006

The Honorable Robert Portman  
United States Trade Representative  
Office of the U.S. Trade Representative  
600 Seventeenth Street, N.W.  
Washington, D.C. 20508

Dear Ambassador Portman

I want to inform you that I have a temporary hold on the nomination of Deputy United States Trade Representative Schwab to be the United States Trade Representative. I will lift the hold when the Administration provides me with clear answers to the following questions.

Does the Administration have plans to propose legislation to the U.S. Congress to implement Paragraph 6 of the Doha Declaration on TRIPS and Public Health Decision on compulsory licensing of pharmaceutical medicines for public health purposes, either in the near future under a waiver (similar to efforts by the Government of Canada), or under authority of the Decision, assuming final approval is granted by the members nations of the World Trade Organization?

In addition, I believe that the United States has a moral obligation to implement that international agreement either under the waiver authority or under any permanent authority. Does this Administration agree that the United States has a moral obligation to implement the above Paragraph 6 decision?

If either of the above answers is in the affirmative, when will proposed legislation be provided to the United States Congress?

All the member nations of the World Trade Organization (WTO) agreed to a new approach to assist people suffering from life-threatening diseases in least-developed or developing nations. Under this international agreement, nations (such as the United States) with pharmaceutical industries would be allowed to make and sell generic medicines to nations in need, even if the patent owners of those medicines refused to authorize such manufacture and sale.

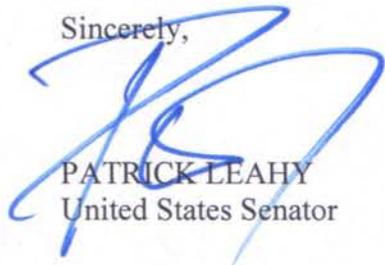
Under this international agreement, which the United States has endorsed, participation by any nation which wants to export such generic products is voluntary. In order to participate, each country must pass legislation to implement the WTO agreement. The World Health Assembly and the World Health Organization have adopted resolutions urging all member nations to adopt laws that would allow generic manufacturers to make and sell life-saving medicines under that international agreement. In July 2005, the World Bank issued a major report (No. 61) explaining

The Honorable Robert Portman  
May 24, 2006  
Page 2

the benefits of this approach and indicating that millions of lives could be saved or improved if nations with pharmaceutical manufacturing capacity took advantage of the WTO agreement.

I believe it is important for our nation to implement that agreement. I would hope the Administration agrees about the importance of this step, and I look forward to your prompt response.

Sincerely,



PATRICK LEAHY  
United States Senator