

108TH CONGRESS  
2D SESSION

# S. 2944

To provide that no funds may be expended by the United States Trade Representative to negotiate data exclusivity provisions for certain pharmaceutical products.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2004

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To provide that no funds may be expended by the United States Trade Representative to negotiate data exclusivity provisions for certain pharmaceutical products.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. LIMITATION.**

4 (a) IN GENERAL.—Notwithstanding any other provi-  
5 sion of law, funds appropriated or otherwise obligated to  
6 the United States Trade Representative may not be ex-  
7 pended to negotiate data exclusivity provisions with any  
8 country with respect to public health pharmaceutical prod-  
9 ucts or to require actions of another country which inter-

1 fere with a country's access to public health pharma-  
 2 ceutical products.

3 (b) DEFINITIONS.—In this section:

4 (1) DATA EXCLUSIVITY PROVISION.—The term  
 5 “data exclusivity provision” means a provision that  
 6 restricts for a set period of time a country from ap-  
 7 proving for sale generic public health pharmaceutical  
 8 products based on original clinical data of public  
 9 health pharmaceutical products previously approved  
 10 for sale.

11 (2) PUBLIC HEALTH PHARMACEUTICAL PROD-  
 12 UCTS.—The term “public health pharmaceutical  
 13 products” means any patented pharmaceutical prod-  
 14 uct, or pharmaceutical product manufactured  
 15 through a patented process, needed to treat HIV/  
 16 AIDS, tuberculosis, malaria, or other epidemics, or  
 17 needed in circumstances of extreme urgency or na-  
 18 tional emergency in accordance with the Decision of  
 19 the General Council of 30 August 2003 on the Im-  
 20 plementation of Paragraph Six of the DOHA Dec-  
 21 laration on the TRIPS Agreement and Public  
 22 Health and the WTO General Council Chairman's  
 23 statement accompanying the Decision (JOB(03)/

- 1 177, WT/GC/M/82) (collectively known as the
- 2 “TRIPS/health solution”).

