

116TH CONGRESS
1ST SESSION

H. R. 2209

To establish the position of Chief Pharmaceutical Negotiator in the Office of the United States Trade Representative responsible for conducting trade negotiations and enforcing trade agreements related to acts, policies, and practices of foreign governments that fail to appropriately reward United States innovation with respect to pharmaceuticals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2019

Mr. MEADOWS introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To establish the position of Chief Pharmaceutical Negotiator in the Office of the United States Trade Representative responsible for conducting trade negotiations and enforcing trade agreements related to acts, policies, and practices of foreign governments that fail to appropriately reward United States innovation with respect to pharmaceuticals, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fixing Global Free-
3 loading Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) International government price controls of
7 pharmaceutical products and services creates an un-
8 fair playing field because the rest of the world relies
9 on and benefits from the biopharmaceutical innova-
10 tion that takes place in the United States, which
11 supports 4.5 million jobs and amounts to \$90 billion
12 in research and development investment every year.

13 (2) The United States pays the cost of devel-
14 oping innovative and life-saving prescription drugs
15 while other countries refuse to pay their fair share
16 for their health care needs.

17 (3) In fact, some of the United States trading
18 partners are ignoring obligations established under
19 trade agreements and setting up discriminatory
20 rules to benefit local competitors over United States
21 companies.

22 (4) Between 2010 and 2011, 23 countries im-
23 plemented 89 distinct measures to contain govern-
24 ment spending on prescription drugs. Most used
25 their single-payer healthcare systems to impose drug
26 price controls alongside increased copayments, value-

1 added tax rates on prescription drugs, and other
2 measures.

3 (5) Studies have shown that government price
4 controls result in prices below actual market value
5 and push the burden of paying for innovative treat-
6 ments on to United States patients.

7 **SEC. 3. CHIEF PHARMACEUTICAL NEGOTIATOR.**

8 (a) IN GENERAL.—Section 141 of the Trade Act of
9 1974 (19 U.S.C. 2171) is amended—

10 (1) in subsection (b)(2)—

11 (A) by striking “and one Chief Innovation
12 and Intellectual Property Negotiator” and in-
13 serting “one Chief Innovation and Intellectual
14 Property Negotiator, and one Chief Pharma-
15 ceutical Negotiator”;

16 (B) by striking “or the Chief Innovation
17 and Intellectual Property Negotiator” and in-
18 serting “the Chief Innovation and Intellectual
19 Property Negotiator, or the Chief Pharma-
20 ceutical Negotiator”; and

21 (C) by striking “and the Chief Innovation
22 and Intellectual Property Negotiator” and in-
23 serting “the Chief Innovation and Intellectual
24 Property Negotiator, and the Chief Pharma-
25 ceutical Negotiator”; and

1 (2) in subsection (c), by adding at the end the
2 following new paragraph:

3 “(7) The principal function of the Chief Phar-
4 maceutical Negotiator shall be to conduct trade ne-
5 gotiations and to enforce trade agreements relating
6 to United States pharmaceutical products and serv-
7 ices. The Chief Pharmaceutical Negotiator shall be
8 a vigorous advocate on behalf of United States phar-
9 maceutical interests. The Chief Pharmaceutical Ne-
10 gotiator shall perform such other functions as the
11 United States Trade Representative may direct.”.

12 (b) COMPENSATION.—Section 5314 of title 5, United
13 States Code is amended by striking “Chief Innovation and
14 Intellectual Property Negotiator, Office of the United
15 States Trade Representative.” and inserting the following:

16 “Chief Innovation and Intellectual Property Nego-
17 tiator, Office of the United States Trade Representative.

18 “Chief Pharmaceutical Negotiator, Office of the
19 United States Trade Representative.”.

20 (c) REPORT REQUIRED.—Not later than one year
21 after the appointment of the first Chief Pharmaceutical
22 Negotiator pursuant to paragraph (2) of section 141(b)
23 of the Trade Act of 1974, as amended by subsection (a),
24 and annually thereafter, the United States Trade Rep-
25 resentative shall submit to the Committee on Finance of

1 the Senate and the Committee on Ways and Means of the
2 House of Representatives a report describing in detail—

3 (1) enforcement actions taken by the Trade
4 Representative during the one-year period preceding
5 the submission of the report to ensure the protection
6 of United States pharmaceutical products and serv-
7 ices; and

8 (2) other actions taken by the Trade Represent-
9 ative to advance United States pharmaceutical prod-
10 ucts and services.

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