

Congress of the United States
Washington, DC 20515

March 4, 2005

Ambassador Peter F. Allgeier
Acting United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508

Dear Ambassador Allgeier:

We write out of deep concern that the Office of the United States Trade Representative (USTR) is demanding that our close friend and ally, Israel, enact legislation that goes beyond what is required by the Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS"), beyond the standard of U.S. law, and even beyond what the United States has agreed to with our other allies.

The practical effect of this unfair policy is to delay, or in some cases deny, much needed medications and treatments to Israeli citizens that are available in the United States. This practice, established under the direction of your predecessor, results in an inconsistent treatment of a key US ally and could have far-reaching consequences for both Americans and Israelis.

This concern arises from what appears to be your office's demands of Israel in the area of data exclusivity. As you well know, Israel strongly believes it is abiding by the TRIPS agreement in both action and principle. At the same time, Israel is also attempting to accommodate the USTR's additional demands. It is our strong belief that there should be consistency between the requirements the U.S. places on Israel and of those on other TRIPS signatories; and that the burden on Israel should be no greater than the United States itself requires under its own domestic laws as TRIPS compliant.

Israel has taken many steps to try to resolve your office's concerns. We have been advised that Israel and the United States were close to reaching an agreement that fell through due to additional US demands raised only after Israeli officials had arrived in the US to codify this agreement.

We hope that you will take the actions necessary to close this embarrassing chapter in our close friendship with Israel. We ask that USTR immediately undertake a reassessment of USTR's position in order to meet our obligation to a fair and consistent policy toward Israel that is in keeping with our own law.

Sincerely,


Sam Brannback


Dan Burton

David Vitto

Don Wya

Jo Ann Emerson

Peter Hoekstra

Pat Sessions

Dennis J. Kucinich

John Hayes

Mar. Berry

Kalen Enomund

Charles Schurer

Pat Wilson

Harry A. Wapner
Shelton

Tom Allen

Jim Schindler

Pete Stark

Rosa L. J. Pan
