

108TH CONGRESS
1ST SESSION

H. R. 2470

To require certain actions with respect to the availability of medicines for HIV/AIDS and other diseases in developing countries.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2003

Ms. WATERS (for herself, Mr. KUCINICH, Ms. LEE, and Mr. STARK) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require certain actions with respect to the availability of medicines for HIV/AIDS and other diseases in developing countries.

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. SHORT TITLE.**

4 This Act may be cited as the “Medicines to Eliminate
5 Diseases in Developing States Act” or the “MEDDS Act”.

1 **SEC. 2. POLICIES TO INCREASE THE AVAILABILITY OF AF-**
2 **FORDABLE MEDICINES IN DEVELOPING**
3 **COUNTRIES.**

4 (a) PRICING POLICIES OF DEVELOPING COUN-
5 TRIES.—The Secretary of the Treasury, the Administrator
6 of the United States Agency for International Develop-
7 ment, and the United States Trade Representative shall
8 encourage developing countries to enact policies to make
9 medicines for HIV/AIDS and other diseases available to
10 their populations without charge or at affordable prices.

11 (b) PRICING PRACTICES OF PHARMACEUTICAL COM-
12 PANIES.—The Secretary of the Treasury, the Adminis-
13 trator of the United States Agency for International De-
14 velopment, the United States Trade Representative, and
15 the Administrator of the Food and Drug Administration
16 shall encourage pharmaceutical companies to make medi-
17 cines for HIV/AIDS and other diseases available to people
18 who live in developing countries without charge or at af-
19 fordable prices, taking into consideration their income lev-
20 els.

21 **SEC. 3. LIMITATION ON USE OF FUNDS.**

22 Funds appropriated or otherwise made available to
23 any department or agency of the United States may not
24 be obligated or expended to seek, through negotiation or
25 otherwise, the revocation or revision of any intellectual
26 property or competition law or policy of a developing coun-

1 try that regulates medicines for HIV/AIDS and other dis-
2 eases if the law or policy promotes access to such medi-
3 cines to the population of the country.

4 **SEC. 4. PROHIBITION ON CERTAIN WTO ACTIONS.**

5 Notwithstanding any other provision of law, the
6 United States Trade Representative (or the designee of
7 the Trade Representative) may not initiate a proceeding
8 in the World Trade Organization (WTO) challenging any
9 law or policy of a developing country that promotes access
10 to medicines for HIV/AIDS and other diseases to the pop-
11 ulation of the country.

12 **SEC. 5. TRADE POLICIES TO PROMOTE ACCESS TO MEDI-**
13 **CINES FOR HIV/AIDS AND OTHER DISEASES**
14 **IN DEVELOPING COUNTRIES.**

15 (a) **EXISTING AGREEMENTS.**—The President shall
16 direct the United States representative to the World Trade
17 Organization (WTO) to urge the WTO and WTO mem-
18 bers and member countries—

19 (1) to support full implementation of the “Dec-
20 laration on the TRIPS Agreement and Public
21 Health” adopted by the WTO at the Fourth Min-
22 isterial Conference at Doha, Qatar, on November 14,
23 2001; and

24 (2) to exempt developing countries from the ap-
25 plication of any provision of the Agreement on

1 Trade-Related Aspects of Intellectual Property
2 Rights (as described in section 101(d)(15) of the
3 Uruguay Round Agreements Act (19 U.S.C.
4 3511(d)(15))), or the application of any provision of
5 any other multilateral, regional, or bilateral trade
6 agreement, that would prohibit or otherwise restrict
7 those countries from establishing or implementing
8 any law or policy that promotes access to medicines
9 for HIV/AIDS and other diseases to their popu-
10 lations.

11 (b) FUTURE AGREEMENTS.—In conducting negotia-
12 tions with foreign countries to enter into bilateral, re-
13 gional, or multilateral trade agreements, the United States
14 Trade Representative shall oppose the inclusion of any
15 provision that would prohibit or otherwise restrict devel-
16 oping countries from establishing or implementing any law
17 or policy that promotes access to medicines for HIV/AIDS
18 and other diseases to their populations.

19 **SEC. 6. DEFINITION.**

20 In this Act, the term “medicines for HIV/AIDS and
21 other diseases” means all medicines, including tech-
22 nologies and treatments, that are considered to be medi-
23 cally appropriate or clinically indicated for the prevention

- 1 or treatment of HIV/AIDS or other diseases or medical
- 2 conditions.

