

[November 1, 2023]

Senator Chuck Schumer
Majority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

Senator Mitch McConnell
Minority Leader
317 Russell Senate Office Building
Washington, D.C. 20510

Dear Senators,

Bipartisan bills to strengthen competition and market forces to lower prescription drug prices have cleared every key Senate committee on strong bipartisan votes, and the undersigned groups that represent patients and advocates urge that they be enacted into law.

Critically, almost [four out of five voters](#) support such reforms including 75 percent of Republicans, 73 percent of Independents, and 86 percent of Democrats. The bills will save taxpayers \$2-3 billion over 10 years and lead to lower out-of-pocket costs for millions of Americans. We ask you to advance the following bills now:

[S. 142](#) to curb pay-for-delay deals in which brand name drug makers pay would-be generic and biosimilar competitors to keep them from bringing their products to market.

[S. 150](#) to crack down on patent thickets and product-hopping, which are used to build a patent wall around existing brand name drugs and block lower-priced competition.

[S. 148](#) and [S. 1067](#) to stop drug company abuse of citizen petitions before the Food and Drug Administration (FDA) which drug companies use to delay generic and biosimilar market entry.

[S. 775](#) to improve the ability of the FDA to disclose information generic companies need for speedy approval.

[S. 79](#) to establish a task force between the U.S. Patent and Trademark Office and FDA in order to improve each agency's patent-related activities.

The bipartisan bills now before the Senate would curb anti-competitive practices and ensure the will of Congress for generic and biosimilar competition and market forces to lower prices as intended to lower prices under the Hatch-Waxman framework. Recent academic studies have repeatedly shown the need for these reforms:

- Just [six percent of drug patents](#) in infringement suits were for active ingredients or new molecules.
- There has been a 200 percent increase in secondary patent filings by drug companies since 2000.
- Makers of four blockbuster drugs [used patent manipulation](#) to earn 56 percent of their overall revenue on those drugs in the years *after the end* of the initial patent.
- The maker of Revlimid, which cost Medicare [more than \\$5.8 billion](#) in 2021 to treat fewer than 46,000 patients, used [legal tactics to thwart development of generic formulations](#) of the drug and then employed pay-for-delay tactics to block competition.

The bills will help people like Sue Lee, 81, of Crestwood, Kentucky who is living with plaque psoriasis and who was forced to endure painful sores because she couldn't afford the \$8,000 a month cost of Humira – which was protected by 165 patents – and had to forgo the drug.

The Congressional Budget Office estimates these bills will collectively save taxpayers between \$2-3 billion dollars. They will result in lower out-of-pocket costs for patients and millions of people regardless of insurance status.

With only 26 work days left in this calendar year, we urge the Senate to come together now and address these critical issues to improve the health and financial well-being of people all across the country. Thank you.

Cc: Members of the United States Senate

Signed:

AARP

ACA Consumer Advocacy

Alliance for Retired Americans

American Family Voices

Beta Cell Action

Beta Cell Foundation

Blue Shield of California

Business Leaders for Health Care Transformation

Campaign for a Family Friendly Economy

Campaign for Sustainable Rx Pricing

Center for Health and Democracy

Center for Medicare Advocacy

Citizen Action/Illinois

Consumer Action

Dana Investment Advisors

Doctors for America

Families USA

Foundation for Integrative AIDS Research

Generation Patient

Health Care Voices

Health GAP

Housing Works, Inc

Initiative for Medicines, Access & Knowledge

Interfaith Center on Corporate Responsibility

Just Care USA

Labor Campaign for Single Payer
Long Island Center for Independent Living, Inc
Lower Drug Prices Now
Medicare Rights Center
Metro New York Health Care for All
MomsRising
National Committee to Preserve Social Security and Medicare
National Multiple Sclerosis Society
New York State Council of Churches
New York StateWide Senior Action Council, Inc
Northwest Coalition for Responsible Investment
Patients For Affordable Drugs Now
Pennsylvania Health Access Network
Physicians for a National Health Program - NY Metro Chapter
Prescription Justice
Protect Our Care
Public Citizen
Public Interest Patent Law Institute
Rise Up WV
Salud y Fármacos
Seventh Generation Interfaith
Sisters of Charity of Saint Elizabeth
Sisters of St. Francis of Philadelphia
Social Security Works
Socially Responsible Investment Coalition
SPACES In Action
T1International, USA
TAG-Texans Against Gerrymandering
Tennessee Health Care Campaign, Inc
Tulipshare
Two Faces of MS
U.S. PIRG
Unity Fellowship of Christ Church - NYC
Universities Allied for Essential Medicines
VOCAL-NY
West Virginia Citizen Action Group
West Virginians for Affordable Health Care