

Congress of the United States

Washington, DC 20515

October 13, 2006

The Honorable Michael O. Leavitt
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Leavitt:

We are writing with regard to an August 18, 2006, letter from William R. Steiger, HHS Special Assistant for International Affairs, to the Acting Director General of the World Health Organization. In this letter, Mr. Steiger insisted that the World Health Organization withdraw a study critical of the impact of U.S. trade policy on international health.

The report Mr. Steiger found objectionable is titled "The Use of Flexibilities in TRIPS by Developing Countries: Can They Promote Access to Medicines?". Commissioned by WHO, it identified barriers to public health resulting from the trade policies and free trade negotiations of several developed nations, including the United States.

In his letter, Mr. Steiger demanded that WHO "withdraw" the report and remove its emblem from the publication. Mr. Steiger stated that he has "raised similar concerns with the WHO Secretariat in the past about trade agreements," and he requested that the Executive Board of the WHO conduct a full review of WHO's publication policy.

As a signatory to the Doha Declaration, a trade agreement recognizing the right of member countries to protect public health, the United States is obligated to respect the public health initiatives of other countries. Yet in the past, we have expressed concerns that the Administration has sought intellectual property provisions in bilateral trade agreements that contradict our obligations under the Doha Declaration. These concerns have never received a satisfactory response from the Administration, and it seems that the problems raised by the WHO report are being similarly dismissed rather than addressed.

In this era of AIDS epidemics, pandemic flu threats, and drug-resistant tuberculosis outbreaks, we need more — not less — analysis of the factors affecting global public health. Attempting to suppress a report because it is critical of U.S. trade policy is unacceptable. Instead, the United States should seriously assess the impact of our trade policies on access to medicines and public health.

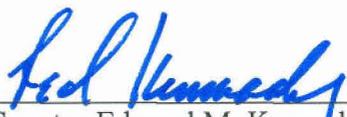
We request that you forward to our offices any additional letters or communications sent by Mr. Steiger or other members of the Administration requesting that a World Health Organization publication, official, or representative be recalled for criticizing U.S. policies. Specifically, we request that these include copies of the past correspondence described by Mr. Steiger and the further correspondence mentioned by Mr. Steiger when he wrote, "I intend to address these specific issues in a subsequent letter to you."

We also ask that you cooperate fully with the Government Accountability Office as it responds to our request last week for an investigation into the effect of the U.S. Trade Representative's activities on public health. Specifically, we have asked GAO to assess whether the formal and informal mechanisms of U.S. trade policy conform to the Congressional directive to respect the Doha commitment to public health.

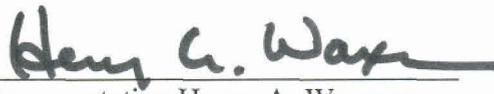
We would appreciate receiving these documents by October 28, 2006. If you have any questions, please let us know, or contact David Bowen at (202) 224-7675.

With respect and appreciation,

Sincerely,



Senator Edward M. Kennedy
Ranking Member
Committee on Health, Education,
Labor and Pensions
U.S. Senate



Representative Henry A. Waxman
Ranking Member
Committee on Government Reform
U.S. House of Representatives