

**United States Senate**  
WASHINGTON, DC 20510

November 8, 2018

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Trump:

We write to encourage you to support legislation to limit anticompetitive “pay-for-delay” pharmaceutical settlements as part of your Administration’s effort to ease the burden of prescription drug prices on patients and the American healthcare system.

Americans, on average, pay the highest prescription drug prices in the world.<sup>1</sup> And recent projections indicate that U.S. prescription drug spending will only continue to rise.<sup>2</sup> Many Americans are unable to pay their medical bills or are forced to skip doses of their prescribed medication.

We have long been concerned with the rising cost of prescription drugs and the strain it places on patients and our healthcare system, including critical government programs like Medicare and Medicaid. Competition in the sale of prescription drugs is essential to ensuring that drug prices remain fair. Noncompetitive drug markets can result in higher prices and reduced patient access to essential medical treatments.

Your recent remarks on this issue suggest that you view the excessive costs of prescription drugs as a bipartisan issue. We agree. That is why we have introduced bipartisan legislation to help prevent anticompetitive conduct in prescription drug markets and foster the introduction of affordable generic drugs. Our bill, the Preserve Access to Affordable Generics Act (S. 124), would help limit anticompetitive “pay for delay” settlement agreements, which can delay the availability of affordable generic drugs for years. It has been estimated that these anticompetitive settlements cost consumers and taxpayers billions of dollars in higher drug costs every year.

By promoting the timely introduction of affordable generic drugs, our legislation would increase prescription drug competition in U.S. markets, driving down prices and improving the quality of life for patients across the country. We urge you to support this effort to reduce drug costs and increase patient access to affordable medications.

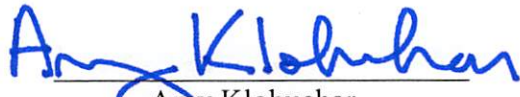
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<sup>1</sup> See, e.g., IHS Markit, “US Price Gouging in the Pharmaceutical Industry,” at <https://ihsmarkit.com/solutions/us-price-gouging-pharmaceutical-industry.html> (“Based on our analysis of prices in regulated markets, the United States paid on average more than 50% that other developed markets.”).

<sup>2</sup> See The Pew Charitable Trusts, “A Look at Drug Spending in the U.S.: Estimates and projections from various stakeholders,” (Feb. 27, 2018, data updated Aug. 28, 2018) at <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2018/02/a-look-at-drug-spending-in-the-us>.

Thank you for your prompt attention to this important matter.

Sincerely,

  
Amy Klobuchar  
United States Senator

  
Chuck Grassley  
United States Senator

Copy to: Alex M. Azar, Secretary of Health and Human Services  
Scott Gottlieb, M.D., Commissioner of Food and Drugs  
Seema Verma, Administrator of the Centers for Medicare & Medicaid Services