



Jay Timmons  
Executive Vice President

December 4, 2009

United States Senate  
Washington, DC 20510

Dear Senator:

The National Association of Manufacturers (NAM), the nation's largest industrial trade association and the voice of small, medium and large manufacturers in every industrial sector and in all 50 states, urges you to oppose the drug importation amendment (SA 2793) offered by Sen. Byron Dorgan (D-ND) to the Patient Protection and Affordable Care Act.

The NAM strongly opposes the Dorgan amendment, which would permit the importation of prescription drugs outside the existing safety system established by the Food and Drug Administration (FDA). The World Health Organization (WHO) estimates that up to 10 percent of medicines available globally are counterfeit. A November 2009 INTERPOL/WHO operation involving 24 countries found that 751 web sites were engaged in illegal activity, including offering controlled or prescription only drugs. We fear that drug importation would expose consumers to dangerous counterfeit or adulterated medications, undermining the quality and safety of prescription drugs.

We are also concerned with provisions in the amendment that would impose "forced sale" mandates on contracts between private companies and their customers/suppliers. In effect, it would bar pharmaceutical companies from deciding who they can sell their products to in specific countries, the quantity of the product that they will sell to a given buyer, the price terms of the sale, and the terms regarding export of the product, thereby abrogating their contract and patent rights.

The NAM's Key Vote Advisory Committee has indicated that votes on the Dorgan amendment, including procedural votes related to the amendment, may be considered for designation as Key Manufacturing Votes in the 111<sup>th</sup> Congress.

Sincerely,

A handwritten signature in black ink that reads 'Jay Timmons'. The signature is fluid and cursive, with the first letter 'J' being particularly large and stylized.

Jay Timmons

***Manufacturing Makes America Strong***