November 3, 2025

The Honorable Jamieson Greer
United States Trade Representative
Office of the United States Trade Representative
600 17th Street NW
Washington, DC 20508

Re: Request for Comments on the Operation of the Agreement between the United States of America, the United Mexican States, and Canada

Docket ID: USTR-2025-0004

Submitted by: Consumer Action for a Strong Economy (CASE)

Dear Ambassador Greer:

On behalf of Consumer Action for a Strong Economy (CASE), a leading national advocate for pro-growth, free-market policies that support American consumers, we respectfully submit the following comments regarding the upcoming 2026 Joint Review of the United States-Mexico-Canada Agreement (USMCA).

The USMCA remains critical to ensuring the strength of American innovation, supply chains, and trade. However, as this agreement continues to modernize, we must ensure that it is able to meet today's challenges and support America's interests.

Specifically, this opportunity must be utilized to strengthen and modernize the intellectual property (IP) provisions of the agreement — particularly those related to regulatory data protection (RDP) for biologic medicines. Strong IP protections remain essential to sustaining American medical innovation and maintaining our competitive leadership in life sciences. RDP in particular safeguards the significant investments required to bring biologic drugs to market by offering temporary protection for clinical trial data submitted to regulators. This protection enables innovators to recoup R&D costs and make further investments in future discoveries, while continuing to support timely access to safe, effective, and affordable biosimilars that have the potential to improve patient care and well-being.

When the USMCA was first being negotiated, Canada and Mexico agreed to provide ten years of RDP for biologic medicines, up from Canada's original eight years and Mexico's original five years. This agreement brought their standards closer to the American twelve-year framework, which would have

encouraged further expansion of research and development and provided sufficient protection to incentivize the drug innovations that will become tomorrow's cures. Unfortunately, these pro-innovation provisions were weakened by Congress at the time by reverting Canada and Mexico to their previous terms; ultimately reducing incentives for investment and slowing the development of new, life-saving treatments without any evidence that the original agreement would have altered U.S. pricing or imposed new costs abroad.

Furthermore, this review period can be used to ensure that America's trading partners uphold their commitments and contribute their fair share toward the cost of pharmaceutical innovation. The U.S. currently shoulders a disproportionate share of global R&D investment and foreign nations like Canada routinely undervalue U.S.-developed medical breakthroughs with restrictive pricing schemes. What's more, Mexico has failed to fulfill several of its IP and regulatory obligations under the USMCA. The Joint Review offers a critical opportunity to hold both Canada and Mexico accountable for these shortcomings and to secure binding, enforceable commitments that reflect a balanced, innovation-driven trade relationship.

Today, the United States Trade Representative has a critical opportunity to restore the original USMCA provisions and reaffirm America's leadership in innovation-driven trade. Strengthening these commitments will not only advance President Trump's trade objectives but also set a powerful precedent that all three nations remain dedicated to fostering growth, innovation, and fairness across North America.

Thank you for your time and consideration.

Sincerely,

Gerard Scimeca
Chairman
Consumer Action for a Strong Economy (CASE)

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