

Congress of the United States
Washington, DC 20515

April 30, 2021

The Honorable Joseph R. Biden, Jr.
The President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20006

Dear Mr. President:

We write to convey the urgent need for the United States to support the temporary waiver of some Trade-Related Aspects of Intellectual Property Rights (TRIPS) rules proposed by India and South Africa at the World Trade Organization (WTO), during the COVID-19 emergency. From a global public health perspective, this waiver is vital to ensuring sufficient volume of and equitable access to COVID-19 vaccines and therapeutics around the world. The TRIPS waiver is also essential to ensure all global economies, including the United States' economy, can recover from the pandemic and thrive. Simply put, we must make vaccines, testing, and treatments available everywhere if we are going to crush the virus anywhere.

The TRIPS waiver proposed by India and South Africa in October 2020 would temporarily lift certain intellectual property barriers and allow countries to locally manufacture COVID-19 diagnostics, treatments, and vaccines, thereby increasing timely global access. The waiver is supported by more than 100 nations. The Trump administration led opposition to the waiver and, with a handful of other WTO signatories, has blocked its adoption.

Recently, the scope of the waiver has drawn concern from labor unions and others for unintended impacts it could have on unrelated copyright and other intellectual property that provide the basis for ongoing collectively bargained wage payments and corresponding contributions to health plans and retirement plans for workers throughout the country. This would be an unacceptable outcome and underscores the need for US engagement on the waiver to ensure that there are no unintended consequences. Our goal is straightforward – to speed up the pace of global vaccinations, help the global economy reopen, promote vaccine justice, and increase preparedness for the next pandemic.

Unless countries cooperate and share medical technology, there simply will not be sufficient supply of vaccines, diagnostics, and treatments for many countries – particularly developing countries – to effectively fight COVID-19. Some countries may not have access to widespread COVID-19 vaccination until as late as 2024 without large increases in production.¹ This not only would cause additional, unnecessary loss of life, but it would also imperil the vaccination efforts

now underway. Emerging COVID-19 variants show more resistance to vaccines and are more infectious. They spotlight why time is of the essence: further delay in developing immunity around the world will only lead to faster and stronger mutations. Our globalized economy cannot recover if only parts of the world are vaccinated. In the end, the TRIPS waiver will help us all.

This temporary TRIPS waiver is key for countries to manufacture necessary supplies of COVID-19 treatments and vaccines. The current flexibilities included in TRIPS are ill-suited to an urgent, global crisis. TRIPS allows countries to negotiate compulsory licenses, a flexibility that was reaffirmed in the Doha Declaration. However, compulsory licenses must be negotiated by each WTO member country and for each patent or other protection applying to each individual product. This country-by-country and product-by-product approach is unworkable given the speed and global scope of access necessary to combat a global pandemic. Additionally, the 2020 Special 301 Report makes it clear that the United States applies diplomatic power to discourage developing countries from using compulsory licenses.² The temporary TRIPS waiver would allow countries and manufacturers to directly access and share technologies to produce vaccines and therapeutics without causing trade sanctions or international disputes.

Initiatives by the WHO to expand access to COVID-19 vaccines and treatments have also proven woefully inadequate. The COVID-19 Vaccines Global Access (COVAX) initiative promises two billion vaccine doses to developing countries by the end of 2021. Even if COVAX could obtain these vaccines, that amount would cover doses for just 20% of the populations of all participating countries. Moreover, the COVAX initiative does not include treatments. This is not sufficient to end the pandemic worldwide.

Expanding vaccine access to developing nations is not only a moral obligation, it is economically effective. Recent data show that nationalistic vaccine policies will cost the world an estimated \$1.2 trillion per year.³ In fact, wealthier nations have already purchased more than 53% of the supply of the most promising vaccines.⁴ As countries worldwide compete for limited supplies, developing nations will have to pay monopoly prices for access. This harsh reality is already unfolding before our eyes with reports of South Africa paying more than double the price paid by the European Union for the AstraZeneca vaccine.⁵

On the other hand, for each dollar wealthy nations invest in getting vaccines to the poorest countries, they will receive approximately \$4.80 in return. Congress has paid industry giants billions of taxpayer dollars to expedite research and development of COVID-19 vaccines and therapeutics. The American people deserve the best possible return on that investment, not corporate monopolies that restrict access and threaten to extend the length of the pandemic.

Further, in the United States, Congress has appropriated billions of dollars of emergency relief for the travel, tourism, and hospitality industries and is planning billions more. The airline industry alone has received \$40B in relief over the course of the pandemic and an additional \$14B is being considered.⁶ These industries will remain in crisis and reliant on billions more in government help until the pandemic eases. The faster we can bring this emergency to an end, the faster these industries can recover. The TRIPS waiver is key to the end of the pandemic and the beginning of a strong American recovery.

As COVID-19 ravages the globe, we know that any vaccine or therapeutic pharmaceutical corporations develop with public money is 100% ineffective for those that cannot access it. We need to make public policy choices, both in the U.S. and at the WTO, that put lives first.

Your Administration has an incredible opportunity to reverse the damage done by the Trump Administration to our nation's global reputation and restore America's public health leadership on the world stage. To bring the pandemic to its quickest end and save the lives of Americans and people around the world, we ask that you reverse the Trump position and announce U.S. support for the WTO TRIPS waiver.

Sincerely,



JAN SCHAKOWSKY
Member of Congress



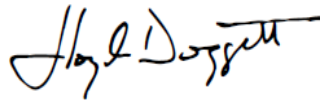
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¹ Economist Intelligence Unit, *Q1 global forecast 2021 Coronavirus vaccines: expect delays* (accessed February 2, 2021) (<https://www.eiu.com/n/campaigns/q1-global-forecast-2021>).

² U.S. Trade Representative, *2020 Special 301 Report* (accessed February 9, 2021) (https://ustr.gov/sites/default/files/2020_Special_301_Report.pdf)

³ RAND, *COVID-19 and the cost of vaccine nationalist* (accessed February 2, 2021) (https://www.rand.org/content/dam/rand/pubs/research_reports/RRA700/RRA769-1/RAND_RRA769-1.pdf).

⁴ OXFAM International, *Campaigners warn that 9 out of 10 people in poor countries are set to miss out on COVID-19 vaccine next year* (December 9, 2020) (<https://www.oxfam.org/en/press-releases/campaigners-warn-9-out-10-people-poor-countries-are-set-miss-out-covid-19-vaccine>)

⁵ The Guardian, *South Africa paying more than double EU price for Oxford vaccine* (January 21, 2021) (<https://www.theguardian.com/world/2021/jan/22/south-africa-paying-more-than-double-eu-price-for-oxford-astrazeneca-vaccine>)

⁶ Reuters, *U.S. lawmaker: airline payroll assistance will be part of COVID-19 measure* (February 5, 2021) (<https://www.reuters.com/article/us-health-coronavirus-usa-airlines/u-s-lawmaker-airline-payroll-assistance-will-be-part-of-covid-19-measure-idUSKBN2A529B>)