

Congress of the United States
Washington, DC 20515

December 20, 2023

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

Dear Ambassador Tai,

We thank you for your leadership as U.S. Trade Representative during unique and challenging economic times. We appreciate your work to support robust U.S. trade policy that protects American workers while boosting U.S. exports abroad. We write to you today with some concerns as the World Trade Organization (WTO) examines the future for how the Trade-Related Aspects of Intellectual Property Rights (TRIPS) applies to COVID-19 vaccines, diagnostics, and therapeutics.

As the global community faced the unprecedented challenge of the COVID-19 pandemic, the U.S. and our partners rightly approached our efforts – from stopping the spread to the developing of an effective vaccine – as a historic, “all hands on deck” moment. That is why the WTO, with the Biden Administration’s support, worked to prevent any potential obstacles to the vaccine’s deployment around the globe and to preempt any bottlenecks of the vaccine supply chain.

We particularly applaud the work you and the Biden Administration have done to extend life-saving COVID-19 medicines and treatments around the world through U.S. leadership in the Global Fund, COVAX, and other multilateral institutions. Your work saved millions of lives. Deployment of U.S. medical and pharmaceutical innovation – through your leadership, extensive voluntary licensing agreements by industry, and funding provided by Congress – helped curb the mortality linked with COVID-19 by more than 95%. We celebrated a historic milestone six months ago thanks to the tireless effort of frontline workers and the Biden Administration, with Congressional support and the innovation of U.S. researchers when the World Health Organization (WHO) officially declared an end to the global health emergency.

That said, we are concerned that the WTO continues to examine extension of the TRIPS waiver to therapeutics and diagnostics. To date, the TRIPS waiver has not been utilized for vaccines, demonstrating that even amid the worst of the pandemic, intellectual property (IP) protections were not a hindrance to global supply or effective deployment of the vaccine. The International Trade Commission also demonstrated in a recent report that there is extensive supply available for therapeutics and that other barriers like regulatory obstacles, inadequate health infrastructure, and last-mile delivery challenges – not IP protections – remain the main barriers

to deployment, underscoring how a TRIPS waiver for therapeutics and diagnostics would not meaningfully impact our public health goals.

We are also concerned about the many unintended consequences should the WTO expand the TRIPS waiver to diagnostics and therapeutics. Our robust IP protections are a critical reason why the U.S. remains at the forefront of biopharmaceutical innovation; any efforts to undercut U.S. IP protections puts millions of U.S. jobs, from STEM research to manufacturing and distribution, and decades of American leadership, at risk. We worry that waiver expansion could outsource to foreign countries advanced manufacturing and research jobs that should exist in the United States. As the Biden Administration's own efforts highlight, we must be doing more to promote the biotech sector in the U.S. and keep these investments producing domestic dividends.

The world has emerged from the depths of the pandemic, in large part a direct result of U.S. leadership. We should not do anything that would undermine the protections that keep U.S. research at the forefront of innovation.

Again, thank you for your continued leadership. As we can be a resource in your important work, please do not hesitate to reach out.

Sincerely,



Bradley Scott Schneider
Member of Congress



Deborah K. Ross
Member of Congress



Donald G. Davis
Member of Congress



J. Luis Correa
Member of Congress



Stacey E. Plaskett
Member of Congress



Terri A. Sewell
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Madeleine Dean
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Wiley Nickel
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Josh Gottheimer
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Brittany Pettersen
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Jake Auchincloss
Member of Congress

Frank J. Mrvan
Member of Congress
Chairman, Subcommittee on
Technology Modernization

Jimmy Panetta
Member of Congress

Kevin Mullin
Member of Congress

Henry Cuellar
Member of Congress

Mikie Sherrill
Member of Congress

CC:

The Honorable Jake Sullivan, National Security Advisor of the United States

The Honorable Gina Raimondo, Secretary of Commerce

The Honorable Antony Blinken, Secretary of State

The Honorable Lael Brainard, Director of the National Economic Council