

Congress of the United States

Washington, DC 20515

February 5, 2024

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

Dear Ambassador Tai:

We appreciated the Biden administration's 2021 support for a temporary waiver of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) monopolies to promote access to affordable COVID-19 vaccines. Thus, we were disappointed that a small group of countries blocked the adoption of the emergency COVID-19 TRIPS waiver, despite the support of more than 100 other countries.

At the June 2022 WTO Ministerial, rather than approve the waiver, WTO countries approved a Decision on the TRIPS Agreement. This Decision temporarily suspends a condition on countries' use of the WTO's existing compulsory licensing flexibility, allowing countries to export more of their manufactured generic medicine and attract further investment and development. While that Decision does not remedy the vaccine access problem, it could significantly improve global access to affordable COVID treatments and tests if it were expanded to cover such medical products.

Thus, we support the proposal to extend the June 2022 WTO Decision on the TRIPS Agreement to also cover COVID treatments and tests. The October 17, 2023 publication of the U.S. International Trade Commission study on "COVID-19 Diagnostics and Therapeutics: Supply, Demand, and TRIPS Agreement Flexibilities" makes it clear that there is no reason for continued U.S. inaction on this issue.

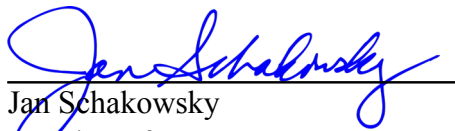
The SARS-CoV-2 virus remains a leading cause of infection and death worldwide, with developing countries still suffering from a lack of access to not just vaccines, but also affordable tests and treatments. As a result, "test and treat" strategies designed to prevent the worst outcomes of COVID-19 are only widely available in rich nations. The lack of access to therapeutics and diagnostics is a key factor driving the transmission of COVID-19 in developing countries – transmission that drives the resurgence of new variants of COVID-19 that threaten not only the citizens of these countries but those of all nations, including our own, whose vaccines can be made obsolete if COVID-19 is allowed to run amok in other parts of the world. COVID-19 is a global crisis and requires continuing global coordination and solutions.

Additionally, the proposed extension of the WTO Decision would only include sales in developing country markets that *already* have proved unable to afford brand-name treatments and tests of generics made only in developing countries. Thus, it would not affect existing sales and profits of pharmaceutical companies or pharmaceutical manufacturing jobs in the United States. Despite this, the brand name pharmaceutical industry is opposing this proposal with false claims that it would hurt U.S. commercial interests.

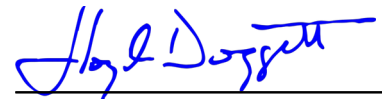
We urge you to support the WTO proposal "*Decision text on extension of the 17 June 2022 Ministerial Decision to COVID-19 Therapeutics and Diagnostics*" (WT/GC/W/860; IP/C/W/694). This would extend the June 2022 WTO Decision on the TRIPS Agreement to COVID-19 diagnostics and therapeutics. It is imperative that we continue to prioritize global collaboration in the face of this global crisis, for the health and well-being of those in developing nations, and in our own.

Thank you for your consideration of our request.


Sincerely,




Jan Schakowsky
Member of Congress



Lloyd Doggett
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Rosa L. DeLauro
Member of Congress