

United States Senate

WASHINGTON, DC 20510

VIA ELECTRONIC TRANSMISSION

March 23, 2022

The Honorable Gina M. Raimondo
Secretary
United States Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Dear Secretary Raimondo,

We write you to express our grave concerns with the so called "compromise" agreement to waive global intellectual property protections for Covid-19 vaccines. Our understanding is this so called compromise was agreed to by the U.S. Trade Representative (USTR), the European Union, South Africa, and India last week. If implemented, this disastrous plan would destroy high-paying American jobs while handicapping our nation's ability to develop life-saving medicines in the future. Moreover, waiving intellectual property rights would enable any company or government -- including hostile actors like China and Russia -- to simply steal cutting-edge American technology.

America's robust protections for intellectual property are essential to the invention of lifesaving and life-changing medicines, from vaccines and cancer treatments to oral therapies and antibiotics. It's no accident that all three FDA-approved Covid-19 shots were developed by American firms and American workers, or that American companies develop two in three new medicines.¹ Strong intellectual property rights are the bedrock that supports the investment and innovation that has historically allowed the U.S. to lead the world.

Giving away American intellectual property, even just to developing countries, virtually ensures that the technology will be transferred to adversaries like Russia. Moscow and Beijing invest extensively in the developing world, in search of both monetary returns and geopolitical favors.² Any facility they finance that possesses U.S. intellectual property will be sure to hand it over. In short, an intellectual property waiver would be a senseless gift to our foreign adversaries.

Those who want to waive intellectual property rights for Covid-19 vaccines assert that doing so will increase global manufacturing of shots, which will in turn boost inoculation rates and help end the pandemic. However, there is no evidence that we need more shots to meet that crucial goal. Quite the opposite: Manufacturers have already produced more than 12 billion vaccine

¹ <https://www.ncbi.nlm.nih.gov/books/NBK493100/>

² <https://www.washingtonpost.com/world/2022/01/11/china-russia-omicron-vaccine/>

doses, and experts expect global production to reach 20 billion doses in 2022.³ There will be a worldwide glut of Covid-19 shots by this summer.⁴

While there are many barriers to global vaccination efforts, supply is not one of them. The Africa Centers for Disease Control and Prevention recently called for a pause on vaccine donations to Africa, saying that "the primary challenge for vaccinating the continent is no longer supply shortages but logistics and vaccine hesitancy."⁵ Even India and South Africa face vaccine gluts. India's Serum Institute recently halted vaccine production due to oversupply.⁶ And South Africa is set to destroy 100,000 expired doses of the Pfizer vaccine because of low demand.⁷ It is clear that waiving intellectual property rights on Covid-19 vaccines would not solve the problem it purports to address.

The USTR is supposed to negotiate international trade agreements in America's best interest. In this case, it appears to have acceded to an arrangement that would undermine American workers, innovation, and our economy and national security. Accordingly, we ask that you talk all steps possible—including using the interagency process or speaking directly with The President—to reverse Ambassador Tai's disastrous decision to enter into this agreement.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact us.

Sincerely,



Thom Tillis
United States Senator



Tom Cotton
United States Senator



Marsha Blackburn
United States Senator

³ <https://www.uschamber.com/health-care/on-the-road-to-global-vaccinations-the-last-mile-remains-the-hardest>

⁴ <https://www.economist.com/the-world-ahead/2021/11/08/what-to-expect-in-year-three-of-the-pandemic>

⁵ <https://www.politico.com/news/2022/02/22/africa-asks-covid-vaccine-donation-pause-00010667>

⁶ <https://news.yahoo.com/weve-all-gone-through-hell-serum-institute-ceo-on-impact-of-covid-19-around-the-world-214526535.html>

⁷ <https://www.news24.com/news24/southafrica/news/covid-19-100-000-pfizer-doses-to-expire-at-end-of-march-due-to-waning-vaccination-rates-20220304>