

December 15, 2023

WHEREAS, the COVID-19 outbreak of 2020 infected millions across the globe, resulted in millions of deaths, and disrupted nearly every aspect of the world's economies and societies; and

WHEREAS, the U.S. pharmaceutical industry, skilled tradespeople, and its workers toiled tirelessly to research, develop, manufacture, and deploy COVID-19 vaccines and therapeutics at an unprecedented pace and scale at home and abroad; and

WHEREAS, intellectual property protections enabled foundational R&D and partnerships to develop COVID-19 solutions in rapid time and facilitated hundreds of voluntary partnerships to scale up manufacturing and produce more than enough vaccine doses to inoculate the world, and thereby save tens of millions of lives around the world; and

WHEREAS, despite these efforts, the U.S. government agreed in 2022 to a waiver of international commitments to protect intellectual property related to COVID-19 vaccines researched, developed and manufactured in the United States by American workers (the TRIPS Waiver), and agreed to consider extending such waiver to COVID-19 therapeutics and diagnostics; and

WHEREAS, no eligible government has utilized the TRIPS Waiver to improve patient access to COVID-19 vaccines, demonstrating that the TRIPS Waiver was not necessary to save lives or end the COVID-19 pandemic; and

WHEREAS, global supply of COVID-19 therapeutics significantly exceeds demand; and

WHEREAS, expansion of the TRIPS Waiver, by design, would permit foreign competitors to use intellectual property originating in the United States to create pharmaceutical and related manufacturing and other jobs in countries other than the United States; and

WHEREAS, expansion of the TRIPS Waiver to diagnostics and therapeutics would undermine the incentives for U.S. innovation and hurt U.S. manufacturers, workers and patients for the benefit of major foreign competitors; and

WHEREAS, the U.S. Trade Representative requested the U.S. International Trade Commission (ITC) to examine these issues "in a report that addresses diagnostics and therapeutics, supply and demand and the TRIPS agreement flexibilities;" and

WHEREAS, the ITC Report demonstrates that the COVID-19 public health emergency is over and an abundance of affordable – and often free – COVID-19 medicines exist throughout the world, and that more than 4 billion people from 119 countries have access to COVID-19 therapeutics through the Medicines Patent Pool.

WHEREAS, the ITC Report further highlights that there are many barriers to access including inadequate healthcare funding and resources, significant regulatory hurdles and patient hesitancy, none of which relate to a country's commitments to protect intellectual property on American innovation; and

WHEREAS, governments around the world – including the United States – as well as the World Health Organization have declared an end to the COVID-19 health emergency; therefore

BE IT RESOLVED that expansion of the TRIPS Waiver to COVID-19 therapeutics and diagnostics would serve no purpose other than to undermine U.S. innovation, outsource American jobs, and harm U.S. manufacturers, workers, and patients for the benefit of major foreign competitors, and

BE IT RESOLVED that the U.S. government, including both the Administration and Congress, must oppose expansion of the TRIPS Waiver to COVID-19 therapeutics and diagnostics and should seek to sunset the TRIPS Waiver.