

# Congress of the United States

Washington, D.C. 20515

February 15, 2017

Robert M. Speer  
Acting Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

Dear Acting Secretary Speer:

We write to you to strongly urge the Department of the Army not provide an exclusive license to Sanofi Pasteur, Inc. for two pending patents to manufacture the Zika vaccine. If such a license is issued, we are very concerned that the price of the vaccine, which was developed with taxpayer dollars, will be unaffordable for people in the United States and around the world. As you know, the cost of the drugs is one of the most pressing public health concerns and rising drug costs continue to harm patients who need access to those drugs and taxpayers who both pay to develop many drugs and fund public insurance programs like Medicare and Medicaid.

Our concerns have been echoed by organizations such as Doctors Without Borders, who fear that without safeguards in place to ensure the vaccine is affordable, it will be inaccessible to people in developing countries who can ill-afford such costs. Moreover, President Trump has repeatedly called for action to lower drug prices, and we fear awarding an exclusive license for a critical vaccine developed with public funds to a single drug manufacturer will set a dangerous precedent.

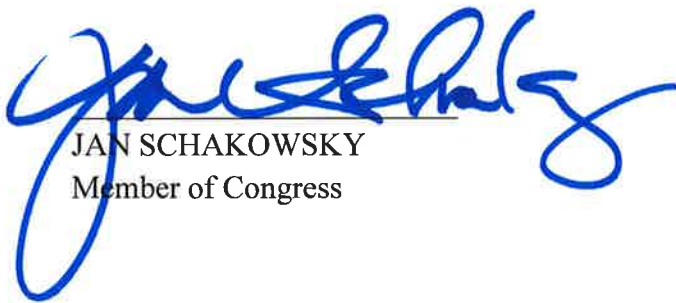
When the Zika virus surfaced and infectious disease experts at the National Institutes of Health (NIH) determined the threat it posed to the American public, it became a national priority for Congress to take swift action and allocate funding for developing an effective vaccine to combat the spread and infection of the Zika virus. As a result, Congress acted to provide NIH with more than \$40 million to develop and test such a vaccine. Despite that substantial investment by taxpayers, on December 9<sup>th</sup>, the Department of the Army filed with the Federal Register a Notice of Intent to grant Sanofi exclusive licenses for two pending government patents to manufacture the Zika vaccine. The Notice of Intent would give Sanofi a monopoly for the Zika vaccine without any restrictions or requirements that they ensure the vaccine is affordable for all those who need it.

In order to ensure that the investment made by taxpayers was worthwhile, it is critical that we ensure the vaccine to prevent against the Zika virus is accessible to anyone who requires it. Again, we strongly urge the Department of the Army not provide an exclusive license to Sanofi

to manufacture this vaccine. If the Department of the Army does decide to move forward with their proposal, we implore you to instead issue a limited license and put in place requirements that this vaccine must be available at an affordable price and allow the federal government to intervene if Sanofi prices the drug at a level that would make it inaccessible to the millions of Americans who need access to a vaccine they paid to develop. Without these changes, we are fearful that Americans and people in developing countries will not be properly protected against future outbreaks of the Zika virus.

We look forward to your response, and to working with the Administration to ensure that the price of the Zika vaccine does not threaten public health by deterring access to this vital therapy.

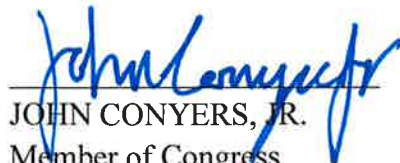
Sincerely,



JAN SCHAKOWSKY  
Member of Congress



LLOYD DOGGETT  
Member of Congress




JOHN CONYERS, JR.  
Member of Congress



JUDY CHU  
Member of Congress



MARK POCAN  
Member of Congress



ROSA L. DELAURO  
Member of Congress



PRAMILA JAYAPAL  
Member of Congress



KEITH ELLISON  
Member of Congress



MICHELLE LUJAN GRISHAM  
Member of Congress



ELIJAH E. CUMMINGS  
Member of Congress



PETER WELCH  
Member of Congress

Cc: Francis Collins, Director, National Institutes of Health

Anthony Fauci, Director, National Institute of Allergy and Infectious Diseases, National  
Institutes of Health