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March 10, 2017

Mr. Robert M. Speer
Acting Secretary of the Army
1400 Defense Pentagon
Washington, DC 20301-1400

Dear Mr. Speer:

The rapid development of a vaccine to prevent the spread of the Zika virus must be a top priority for the U.S. Army and the federal government. This disease continues to spread in the Western Hemisphere, putting our troops at risk and endangering the well-being of vulnerable infants.

The U.S. Army has dedicated scientists and researchers who are tirelessly working to develop a Zika vaccine. To date, American taxpayers have spent more than a billion dollars on Zika research and prevention efforts, including millions towards the pursuit of this particular vaccine. I strongly support these efforts. I am very concerned, however, that the Army is in the process of granting exclusive rights to the patent of this drug to Sanofi, a French pharmaceutical corporation, without any requirements that it be priced fairly.

This means American consumers could pay twice: once for the development of this vaccine through their tax dollars and then to the company, which would be allowed to charge any price that it wants for this drug if and when it is approved for marketing. This could add significantly to the outrageous drug prices that the American people, Medicare, Medicaid and the U.S. military are already paying. In my view, that would be unacceptable.

My office, along with the non-profit Knowledge Ecology International, has requested that the Army provide information about this process, including the terms of this proposed giveaway; how long the license would run; royalty rates; pricing; and the total amount spent by the United States government. I look forward to receiving a complete response to these requests as soon as possible.

In the meantime, I would strongly urge that any agreement to transfer licenses involved in the manufacture of a vaccine for the Zika virus include provisions to ensure American consumers, government agencies and the military pay a fair and reasonable price for this vaccine, and are not fleeced by a foreign pharmaceutical company.

Sanofi is no nonprofit or tiny start-up struggling to bring medicine to market. It had about \$40 billion in revenues in 2015. Its CEO, Olivier Brandicourt earns about \$4.5 million a year. Even the Government of France criticized this salary calling it "incomprehensible."

U.S. taxpayers have been victims of such predatory behavior in the wake of lucrative patent giveaways before. The critical prostate cancer drug Xtandi was developed through the University of California, Los Angeles-UCLA – with taxpayer supported research grants and support from the U.S. Army and the National Institutes of Health. After the U.S. Government transferred the patents to UCLA’s scientists, the lucrative marketing license was bought from UCLA by pharmaceutical companies. Today, a Japanese company and Pfizer jointly sell Xtandi to Americans for about \$130,000 – in Canada, it only costs \$30,000.

A vaccine to prevent the Zika virus could save countless lives. The Army hopes to administer this drug, once it is approved, to our soldiers serving in areas where the Zika virus is prevalent. Moreover, this vaccine is critical to mothers and their babies because, as the world has seen, Zika is linked to severe brain damage in newborn infants.

And because the disease can be spread by intimate contact even weeks after one partner is infected, as a recent study in The New England Journal of Medicine concluded, it is in our interest and the global community’s that Zika vaccines be accessible and affordable to all those who need it.

It would be a critical mistake for the Army to allow Sanofi to charge an exorbitant price for this Zika vaccine, developed with the financial support of American taxpayers and scientific expertise of the U.S military. I urge you to carefully consider the terms of the proposed arrangement with Sanofi, and protect patients and taxpayer dollars.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bernard Sanders", written over a horizontal line.

Bernard Sanders
United States Senator