

# United States Senate

WASHINGTON, DC 20510

March 4, 2021

The Honorable Joseph R. Biden  
President of the United States of America  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear Mr. President,

We write to ask that you protect American intellectual property against a scheme that would crush American jobs, end our progress in developing COVID-19 vaccines and treatments, and worsen the pandemic.

India, South Africa, and other countries are presenting a proposal at the World Trade Organization to waive all intellectual property rights for any innovation related to COVID-19. The proponents of this scheme argue that if we just destroy the intellectual property developed by American companies, we will suddenly have more manufacturers producing COVID-19 vaccines.

But the opposite is true. By destroying the intellectual property of every American company that has worked on COVID-19 vaccines and treatments we would be ending the progress—started under Operation Warp Speed—that led to the fastest development of life-saving vaccines in history. We are on pace to have the majority of Americans vaccinated in the next few months. In the face of historic success, why would we reverse the policies that delivered the innovations that will end the pandemic?

Some countries believe that they would benefit from seizing America's intellectual property, but this is mistaken. Waiving all rights to intellectual property would end the innovation pipeline and stop the development of new vaccines or boosters to address variants in the virus. It also wouldn't increase the supply of vaccines because of the tremendous time and resources needed to build new manufacturing plants and acquire the knowhow to produce these complex medicines. Even if the waiver may—temporarily—result in a few copycats attempting to produce what American companies developed, it would introduce major quality control problems. Before long, people would lose faith in the safety and efficacy of the vaccines. Even worse, a post-development elimination of innovation rights would greatly reduce our ability to respond to future pandemics.

As a global leader and a force for good, we can do a lot to help other countries overcome the virus. But destroying our rights to intellectual property wouldn't advance our mission of fighting the virus—it would make the problem worse, for America and for the world.

The end of this pandemic is in sight. More than 50 million Americans have been vaccinated, and cases have declined by more than 75% from their recent high. We stand ready to work with you to bring an end to this deadly crisis and urge you to take a strong stand against this scheme that would halt our progress.

Sincerely,



Tom Cotton  
United States Senator



Joni Ernst  
United States Senator



Todd Young  
United States Senator



Mike Lee  
United States Senator