



May 10, 2021

Support H.R. 3035 - Preventing Foreign Attempts to Erode Healthcare Innovation Act

On behalf of FreedomWorks' activist community, I urge you to contact your representative and ask him or her to cosponsor H.R. 3035 - Preventing Foreign Attempts to Erode Healthcare Innovation Act, introduced by Rep. Byron Donalds (R-Fla.).

This bill prohibits the Office of the United States Trade Representative from using funds to support, allow, or facilitate the negotiation or approval of any measure at the World Trade Organization (WTO) to waive intellectual property rights or support the "Waiver from Certain Provisions of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement for the Prevention, Containment, and Treatment of COVID-19" put forth by India and South Africa.

The United States is a signatory to the TRIPS Agreement. The agreement, among other things, protects intellectual property rights for the COVID-19 vaccine and related products. India and South Africa, supported by Senators Bernie Sanders (I-Vt.) and Elizabeth Warren (D-Mass.), are mounting a campaign to get access to the COVID-19 vaccine formula, which would only hurt the same American innovators who helped develop the vaccine in the first place. This waiver is being seriously considered by the Biden administration, which is why this legislation is so critical in demonstrating conservative opposition to this effort.

The Biden Administration should maintain the same position as the Trump Administration and oppose this waiver at the WTO. The risks associated with giving away our vaccine formula are severe. Not only will it hinder the ability of medical innovators to act quickly in response to a future pandemic, but it will also limit the ability of property rights holders to ensure quality control of their product.


To make matters worse, China -- a worldwide leader in IP theft -- is actively looking for ways to exploit our computer systems to gain access to valuable COVID-19 data. According to the Department of Justice, two Chinese hackers working with China's Ministry of State Security were charged with hacking into businesses producing the COVID-19 vaccine and related products in an attempt to steal critical intellectual property. This IP waiver is China's easy-way to access our vaccine formula and American innovators should not be at risk of having their intellectual property be taken by Beijing through this unprecedented waiver.

The United States made history by developing a COVID-19 vaccine in record time under Operation Warp Speed. Many health experts and media pundits did not believe that we would be on track to vaccinate the majority of Americans by this time today. We can point to many things that contributed to our success, but chief among them, are the strong intellectual property rights protections that allowed for the swift development of the vaccine.

With our country nearing the end of the COVID-19 pandemic, and with President Biden pledging \$4 billion for COVID-19 Vaccines Global Access, this bill will help protect intellectual property rights by preventing a potentially dangerous and unwise decision to support this waiver at the WTO.

For these reasons, I urge you to contact your representative and ask him or her to cosponsor the Preventing Foreign Attempts to Erode Healthcare Innovation Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Brandon', with a stylized flourish at the end.

Adam Brandon
President, FreedomWorks