Conservatives
for
Property Rights

November 16, 2026

The Honorable Chuck Grassley
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Dick Durbin
Ranking Member
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Durbin:

On behalf of Conservatives for Property Rights (CPR), a coalition of public policy organizations concerned with preserving and protecting private property rights, I write in regard to the full committee hearing, "Prescribing Sunshine: How Competition & Transparency Lowers Prescription Drug Costs," rescheduled for November 17.

CPR has long advocated for policies that bolster U.S. industrial competitiveness and technological innovation. We believe U.S. public policy must provide for clear, secure, reliable, and enforceable property rights—including intellectual property (IP) rights. In addition to leading CPR, which I founded, I serve as patent policy advisor to Eagle Forum Education & Legal, a member organization of CPR.

CPR believes that protecting private property and promoting competitive markets go hand in hand. As the Judiciary Committee examines ways to promote competition and transparency at this hearing, we urge you not to mistake lawful patent rights for anticompetitive conduct. Too many of today's debates over prescription drug costs treat patents as the problem rather than one of the key reasons America remains the world's leader in medical innovation.

Patents are property. Like any other property right, they encourage investment, reward risk-taking, and provide the legal certainty necessary for long-term economic growth. In the life sciences, those protections make it possible for innovators to invest billions of dollars—and often spend more than a decade of research—into developing new medicines that improve health and save lives.

It is crucial to understand that patents are not permanent exclusive rights. Once patent protections expire, competitors are free to enter the market. Today, roughly 90 percent of prescriptions filled in the United States are generic medicines. Moreover, competitors, immediately upon a patent's issuance, learn the new invention's details and may freely improve upon it. That is exactly how the system is supposed to work: temporary protection that ultimately gives way to robust competition.

Unfortunately, some of the proposals Congress has considered recently move in the opposite direction. Bills such as the Drug Competition Enhancement Act and the ETHIC Act would chip away at the value and enforceability of lawful patents in the name of lowering drug costs.

However, patents are not the source of today's market distortions, and they should not become the scapegoat for them. Weakening patent rights will do little to lower drug costs, but it will make it harder to attract the investment needed to develop tomorrow's cures. Meantime, China will continue to develop a robust biopharma innovation system.

If Congress believes greater transparency is needed elsewhere in the pharmaceutical marketplace, it should pursue those reforms directly. A primary target for transparency and reform is the middlemen such as pharmacy benefit managers (PBMs), whose practices cause drug costs to be higher. Congress should not single out one category of private property rights for weaker protection because of concerns unrelated to the patent system. Conservatives have long opposed government picking winners and losers, and patent law should remain technology-neutral, applying the same principles whether an invention is a new medicine, a manufacturing process, or an advanced energy technology.

Equally troubling, some lawmakers would weaponize antitrust against IP rights. Some would codify harmful misconceptions about the patent system. Embedding these myths (e.g., "patent thickets," "evergreening") into law would set a dangerous precedent—eroding inventors' rights, injecting uncertainty into the innovation landscape, and weakening the ecosystem that fuels American leadership in science, medicine, and technology—based on false, misleading narratives that USPTO and FDA data rebut.

America's leadership in medical innovation was built on strong property rights, free markets, and the rule of law—not government efforts to selectively weaken specific industries' intellectual property. As the committee considers how best to increase competition and lower drug costs, CPR urges you to preserve the patent system that has fueled American innovation, economic growth, and lifesaving medical breakthroughs for generations.

Thank you for considering our input.

Sincerely,

James Edwards, Ph.D.
Founder and Executive Director, Conservatives for Property Rights
Patent Policy Advisor, Eagle Forum Education & Legal

cc: Members of the Senate Judiciary Committee