

May 21, 2026

The Honorable John Thune
Senate Majority Leader
S-221, The Capitol
Washington, D.C. 20510

The Honorable Chuck Schumer
Senate Minority Leader
S-230, The Capitol
Washington, D.C. 20510

The Honorable Mike Johnson
Speaker of the House
H-232, the Capitol
Washington, D.C. 20515

The Honorable Hakeem Jeffries
House Minority Leader
H-204, The Capitol
Washington, D.C. 20515

Dear Leaders Thune and Schumer, Speaker Johnson, and Minority Leader Jeffries:

We write to express our strong support for H.R.3269/S.2276, the *Eliminating Thickets to Increase Competition (ETHIC) Act*, and we, the undersigned groups representing patients, older Americans, and employers, urge you to move this bipartisan legislation forward without delay.

Now more than ever, Americans are struggling with high and increasing prescription drug prices - including working families as well as seniors living on fixed incomes -- and ensuring the timely availability of generic and biosimilar drugs remains one of the most effective ways to lower their costs. These alternatives have already generated at least \$56 billion in savings since 2015, with projections estimating up to \$100 billion in additional savings between 2023 and 2028.^{1,2} Yet too many patients still struggle to afford their medications, with one in three people reporting difficulty affording prescriptions and more than 60% of adults concerned their health care costs will become less affordable for themselves and their families in the coming year.³

Many brand-name drug companies are manipulating the U.S. patent system to keep their market monopolies for as long as possible, reducing competition in the market and ensuring that drug prices remain high. Instead of fostering true innovation, these practices can block lower-cost alternatives from reaching American patients for years. Between 2005 and 2015, 74 percent of the new drug patents issued were for drugs already on the market.⁴ A second study of the ten top-selling drugs in 2021 corroborated that number.⁵ Of the roughly 100 best-selling drugs included in another study, nearly 80 percent obtained an additional patent to extend their monopoly period.⁶ While patent law is intended by Congress to reward and encourage genuine innovation, it was never intended to unfairly prolong drug companies' already-lengthy monopoly periods.

¹U.S. Department of Health and Human Services. (2025, October). FACT SHEET: Bringing Lower-Cost Biosimilar Drugs to American Patients. <https://www.hhs.gov/press-room/fact-sheet-bringing-lower-cost-biosimilar-drugs-to-american-patients.html>

²Murray Aitken et. al., "Biosimilars in the United States, 2020-24," IQVIA Institute, October 2020, p. 2. <https://www.iqvia.com/insights/the-iqvia-institute/reports-and-publications/reports/biosimilars-in-the-united-states-2020-2024>

³Kearney A. et al. (2026, March 31) Public Opinion on Prescription Drugs and Their Prices. <https://www.kff.org/health-costs/public-opinion-on-prescription-drugs-and-their-prices/#9c8e3834-7c6d-497e-a1ea-aa26c7145100>

⁴Koons, C. (2017, November). Most New Drug Patents Are for Old Remedies, Research Shows. *Bloomberg*. <https://www.bloomberg.com/news/articles/2017-11-01/most-new-drug-patents-are-for-old-remedies-research-shows>

⁵Horrow, C., Gabriele, S., Sean Tu, S., et al. (2024, May). Patent Portfolios Protecting 10 Top-Selling Prescription Drugs. *JAMA Intern Med*. <https://jamanetwork.com/journals/jamainternalmedicine/article-abstract/2818277>

⁶Feldman, R. (2018, December). May your drug price be evergreen. *Journal of Law and the Biosciences*. <https://academic.oup.com/jlb/article/5/3/590/5232981?login=true>

The ETHIC Act would take an important step toward restoring balance by addressing “patent thickening”, a practice in which drug manufacturers layer a complex web of patents around the same drug to deter competition from entering the market. By limiting the number of patents a drug manufacturer can assert during litigation to one per patent family, this legislation preserves legitimate intellectual property protections while preventing abuse that keeps lower-cost options off the market. This change would help ensure that generics and biosimilars can enter the market more efficiently, delivering savings to employers, patients, and public programs like Medicare.

With bipartisan support and clear benefits for patients, employers, taxpayers, and the health care system, the ETHIC Act represents a practical, targeted reform that Congress can advance now. As the House Judiciary Committee considers this issue, we urge you to act swiftly to move this legislation forward.

Sincerely,

Patients For Affordable Drugs Now
AARP
The ERISA Industry Committee