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OPINION | POTOMAC WATCH

President Joe Sanders

The vaccine patent decision is the latest example of Biden's far-left governance.



By

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A nurse prepares a shot of the Johnson & Johnson vaccine for Covid-19 in New York, April 8.

PHOTO: MARY ALTAFFER/ASSOCIATED PRESS



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The White House this week proposed to strip drug companies of their vaccine patents, an act hailed by adulators as “moral leadership.” It’s better seen as the encapsulation of the Biden presidency—a case study in fictional narratives, executive overreach, recklessness, and kowtowing to the left.

The biopharmaceutical industry in under a year accomplished a modern miracle—designing a breakthrough vaccine to counter Covid-19; engineering a ground-up production process; and climbing a logistical Everest. It was a triumph of innovation, investment and capitalism, a moment that deserves to be celebrated.

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Instead, the Biden administration supports a proposal in the World Trade Organization that would “waive” the intellectual-property rights of the companies that accomplished this feat, giving away their technology to every drugmaker in the world. Put another way, Mr. Biden is freely handing American invention to China—the country that routinely steals it, and whose Wuhan lab might have been the source of the virus.

The move is in keeping with the administration’s refusal to acknowledge the history of the vaccine achievement. Team Biden continues its willful disregard of Operation Warp Speed, in part because it is too petty to give credit to any person, company or initiative connected to the Trump administration.

It has instead pushed the claim that the Biden administration alone deserves credit for the vaccine rollout. This rewriting of reality is becoming routine. The administration declares there is no “crisis” at the border, as illegal crossings surge. It says Georgia’s election-law update is “Jim Crow,” although the state provides more voting opportunities than others. It redefines entitlement spending as “infrastructure.” The press only encourages these fictions, making it easier for the administration to ignore biotech’s lead role in beating the pandemic and to hand over its work to the world.

The move is also in keeping with the administration’s attitude that Congress exists solely to rubber-stamp its spending proposals. Congress has spent decades wrangling over the contours of patent protections, producing bipartisan legislation from the Bayh-Dole Act of 1980 and the Hatch-Waxman Act of 1984 to the Leahy-Smith Act of 2011. Mr. Biden proposes to disregard all these laws with the wave of an executive memo to the WTO—much as he has already been governing by dubious executive orders on immigration, mask mandates, pipeline cancellations, and healthcare. Mr. Biden will use Congress when

reconciliation makes it convenient. But what Congress won't give him, he will decree unilaterally.

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The patent decision is also in line with the Biden administration's willingness to take wild steps with little thought or care about the damaging consequences. No doubt it is glorying in the praise from the World Health Organization. But the precedent of willy-nilly canceling patents will prove cataclysmic for drug innovation and health. Moderna spent 10 years developing its mRNA technology, and only this week turned its first profit. Next pandemic, Moderna and other companies won't bother. The same is true of cancer drugs, Parkinson's therapies, even new antibiotics. Don't believe it? "Let's do insulin next," tweeted an exultant Rep. Alexandria Ocasio-Cortez in response to the patent news, along with a graph showing the plunge in vaccine makers' stock prices.

Add this to an extraordinary list of unknowns and unintended consequences imposed in only three short months. What will the Biden administration's expansion of ObamaCare (part of its Covid "relief" law) do to healthcare prices? Do they know? What is the fallout of shoveling some \$200 billion at schools that aren't educating kids? The February spending bill extended enhanced federal unemployment benefits to September, which means restaurants can't get employees to come back to work. So this week the Biden administration touted its new Restaurant Revitalization Fund—a government fix to the government's blunder.

Mostly, the patent decision showcases who is in charge. It isn't Mr. Biden. Progressives have been calling for patent waivers since last year, and Bernie Sanders, Elizabeth Warren and AOC amped up the pressure on Mr. Biden in the past month. These voices won out—

again—over those in the administration who noted that waiving patent protections isn't the answer. Even the administration's Covid guru, Anthony Fauci, this week told the Financial Times that the patent release will likely get bogged down in lawsuits, and “there are other ways to ramp up vaccine production around the world.”

In a debate with Mr. Trump last year, Mr. Biden testily asserted that *he* is “the Democratic Party right now”; what he says goes. But name one progressive demand he hasn't rolled over for. This is a Sanders presidency by another name.

The patent decision is only the latest example, and surely not the last. It's going to be a long, and destructive, few years.

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