

117TH CONGRESS  
1ST SESSION

# S. 1683

To prohibit the use of funds to support a measure at the World Trade Organization waiving intellectual property rights, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 18, 2021

Mr. SCOTT of South Carolina (for himself, Mr. TOOMEY, Mr. GRASSLEY, and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To prohibit the use of funds to support a measure at the World Trade Organization waiving intellectual property rights, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Foreign  
5 Attempts To Erode Healthcare Innovation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The coronavirus disease 2019 (commonly  
9 referred to as “COVID–19”) pandemic precipitated

1 a global response to the need for treatments, thera-  
2 peutics, and vaccines, challenging the life sciences  
3 community to innovate at an unprecedented pace.

4 (2) In response to this need, life sciences com-  
5 panies across the globe have brought more than 600  
6 novel COVID–19 treatments under development, in-  
7 cluding 130 vaccines in clinical trials and 176 in  
8 pre-clinical trials.

9 (3) Predictable, transparent, and enforceable  
10 intellectual property rights have been a cornerstone  
11 of establishing the United States as an innovation  
12 hub before and during the pandemic.

13 (4) The first two COVID–19 vaccines to be au-  
14 thorized for emergency use in the United States em-  
15 ploy mRNA technology that applies years of sci-  
16 entific research driven by effective, internationally  
17 recognized intellectual property rights, underscoring  
18 the historic mobilization in response to the pandemic  
19 that has resulted in unprecedented partnerships be-  
20 tween governments and businesses to develop and  
21 deploy intellectual property solutions in record time.

22 (5) The petition, led by India and South Africa,  
23 before the Council for Trade-Related Aspects of In-  
24 tellectual Property Rights of the World Trade Orga-  
25 nization, seeking a waiver to suspend all intellectual

1 property rights associated with COVID–19 innova-  
2 tions, would establish unnecessary barriers to inno-  
3 vation that put at risk the life-saving solutions to  
4 the pandemic the world desperately needs.

5 (6) Proper and effective intellectual property  
6 rights enable the greatest access to life-saving cures  
7 and treatments through voluntary licensing agree-  
8 ments and other valuable partnerships already being  
9 established between life sciences innovators and vac-  
10 cine manufacturers across the globe.

11 (7) Inadequate United States leadership in de-  
12 fending intellectual property rights internationally  
13 invites foreign competitor governments, including the  
14 Government of the People’s Republic of China, to  
15 take advantage of weak global protections, thereby  
16 undermining United States investment and leader-  
17 ship in the life sciences.

18 **SEC. 3. SENSE OF CONGRESS.**

19 It is the sense of Congress that—

20 (1) the United States should continue to pro-  
21 mote strong international property rights inter-  
22 nationally; and

23 (2) it is in the national interest of the United  
24 States to oppose efforts to transfer United States in-  
25 tellectual property and technology to the People’s

1        Republic of China or other countries seeking to prof-  
2        it off United States investments.

3    **SEC. 4. PROHIBITION ON USE OF FUNDS.**

4        None of the funds authorized to be appropriated or  
5        otherwise made available to the United States Trade Rep-  
6        resentative may be used to support, allow, or facilitate the  
7        negotiation or approval of—

8            (1) the waiver from certain provisions of the  
9        Agreement on Trade-Related Aspects of Intellectual  
10       Property Rights for the prevention, containment,  
11       and treatment of COVID–19 proposed by India and  
12       South Africa; or

13           (2) any other measure at the World Trade Or-  
14       ganization to waive intellectual property rights.

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