

117TH CONGRESS 1ST SESSION

H. R. 3035

To prohibit the authorization of appropriations to the United States Trade Representative for supporting a measure at the World Trade Organization waiving certain intellectual property rights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 7, 2021

Mr. Donalds (for himself, Mr. Banks, Ms. Salazar, Mr. Budd, Mr. Desjarlais, Mr. Hudson, Mr. Fallon, Mrs. Hinson, Mr. Harris, Mr. Steube, Mr. Tiffany, Mr. Lamalfa, Mrs. Walorski, Mr. Duncan, Mr. Hagedorn, and Mr. C. Scott Franklin of Florida) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To prohibit the authorization of appropriations to the United States Trade Representative for supporting a measure at the World Trade Organization waiving certain 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".

SEC. 2. FINDINGS.

2	Commona	finda	+100	f_011_0	TTT130 00.
_	Congress	mas	une	10110	wing:

- (1) The COVID-19 pandemic precipitated a global response to the need for treatments, therapeutics, and vaccines, challenging the life sciences community to innovate at an unprecedented pace.
 - (2) In response to this need, life sciences companies across the globe have brought over 600 novel COVID–19 treatments under development, including 130 vaccines in clinical trials and 176 in pre-clinical trials.
 - (3) Predictable, transparent, and enforceable intellectual property rights have been a cornerstone of establishing the United States as an innovation hub before and during the pandemic.
 - (4) The first two COVID-19 vaccines to be authorized for emergency use in the United States employ mRNA technology that applies years of scientific research driven by effective, internationally recognized intellectual property rights, underscoring the historic mobilization in response to the pandemic that has resulted in unprecedented partnerships between governments and business to develop and deploy intellectual property solutions in record time.
- (5) The petition, led by India and South Africa, before the World Trade Organization's Trade-Re-

- lated Aspects of Intellectual Property Rights Council, seeking a waiver to suspend all intellectual property rights associated with COVID-19 innovations, would establish unnecessary barriers to innovation that put at risk the life-saving solutions to the pandemic the world desperately needs.
 - (6) Proper and effective intellectual property rights enable the greatest access to life-saving cures and treatments through voluntary licensing agreements and other valuable partnerships already being established between life sciences innovators and vaccine manufacturers across the globe.
 - (7) Inadequate United States leadership in defending intellectual property rights internationally invites foreign competitor governments, including the Government of China, to take advantage of weak global protections, thereby undermining American investment and United States leadership in the life sciences.

20 SEC. 3. SENSE OF CONGRESS.

- 21 It is the sense of Congress that—
- 22 (1) the United States should continue to pro-23 mote strong international property rights inter-24 nationally; and

1	(2) it is in the national interest of the United
2	States to oppose efforts to transfer American intel-
3	lectual property and technology to China or other
4	countries seeking to profit off United States invest-
5	ments.
6	SEC. 4. PROHIBITION ON USE OF FUNDS.
7	None of the funds authorized to be appropriated or
8	otherwise made available to the United States Trade Rep-
9	resentative may be used to support, allow, or facilitate the
10	negotiation or approval of—
11	(1) the "Waiver from Certain Provisions of the
12	TRIPS Agreement for the Prevention, Containment,
13	and Treatment of COVID-19" put forth by India
14	and South Africa; or
15	(2) any other measure at the World Trade Or-
16	ganization to waive intellectual property rights.

 \bigcirc