

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The COVID–19 pandemic precipitated a
4 global response to the need for treatments, thera-
5 peutics, and vaccines, challenging the life sciences
6 community to innovate at an unprecedented pace.

7 (2) In response to this need, life sciences com-
8 panies across the globe have brought over 600 novel
9 COVID–19 treatments under development, including
10 130 vaccines in clinical trials and 176 in pre-clinical
11 trials.

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

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

25 (5) The petition, led by India and South Africa,
26 before the World Trade Organization’s Trade-Re-

1 lated Aspects of Intellectual Property Rights Coun-
2 cil, seeking a waiver to suspend all intellectual prop-
3 erty rights associated with COVID–19 innovations,
4 would establish unnecessary barriers to innovation
5 that put at risk the life-saving solutions to the pan-
6 demic the world desperately needs.

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

13 (7) Inadequate United States leadership in de-
14 fending intellectual property rights internationally
15 invites foreign competitor governments, including the
16 Government of China, to take advantage of weak
17 global protections, thereby undermining American
18 investment and United States leadership in the life
19 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.

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