

117TH CONGRESS  
1ST SESSION

# H. R. 3694

To direct the Secretary of Health and Human Services, in consultation with the United States Trade Representative and other heads of Federal agencies, to submit to Congress a report on the impact of a waiver of certain obligations of member nations under the Agreement on Trade-Related Aspects of Intellectual Property Rights on global COVID–19 vaccine access, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2021

Mr. CARTER of Georgia introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To direct the Secretary of Health and Human Services, in consultation with the United States Trade Representative and other heads of Federal agencies, to submit to Congress a report on the impact of a waiver of certain obligations of member nations under the Agreement on Trade-Related Aspects of Intellectual Property Rights on global COVID–19 vaccine access, 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,*

1 **SECTION 1. INTERAGENCY PUBLIC HEALTH REPORT ON IM-**  
2 **PACT OF TRIPS WAIVER ON GLOBAL COVID-**  
3 **19 VACCINE ACCESS.**

4 (a) REPORT AND CONCLUSION.—Not later than 60  
5 days after the date of the enactment of this section, the  
6 Secretary of Health and Human Services, in consultation  
7 with the United States Trade Representative, the Sec-  
8 retary of Commerce, the Commissioner of Food and  
9 Drugs, and the Director of the Centers for Disease Con-  
10 trol and Prevention, shall submit to Congress, and make  
11 publicly available on a public website of the Department  
12 of Health and Human Services, a report containing the  
13 following:

14 (1) An assessment of how the elimination or  
15 waiver described in subsection (b) would impact each  
16 of the following during the covered period:

17 (A) Access to COVID–19 vaccines in the  
18 United States.

19 (B) Access to COVID–19 vaccines globally.

20 (C) Global COVID–19 vaccine manufac-  
21 turing capacity.

22 (D) Global supply chains of COVID–19  
23 vaccines and related technologies and the inputs  
24 needed to produce those vaccines and related  
25 technologies.

1           (E) Exports and imports by the United  
2           States of COVID–19 vaccines and related tech-  
3           nologies and the inputs needed to produce such  
4           vaccines and related technologies.

5           (F) Biopharmaceutical product manufac-  
6           turing in the United States and the inputs  
7           needed to produce biopharmaceutical products.

8           (G) Investment in biopharmaceutical pro-  
9           duction in the United States and in research  
10          and development in biopharmaceutical products  
11          to respond to future infectious disease out-  
12          breaks and pandemics.

13          (2) The Secretary’s conclusion on whether an  
14          elimination or waiver, as described in subsection (b),  
15          during the covered period—

16               (A) will materially increase global COVID–  
17               19 vaccine access; or

18               (B) will have a negative impact on any of  
19               the factors described in subparagraphs (A)  
20               through (G) of paragraph (1).

21          (b) USTR OPPOSITION.—The United States Trade  
22          Representative shall oppose an elimination or waiver of an  
23          obligation imposed on members of the World Trade Orga-  
24          nization under the Agreement on Trade-Related Aspects  
25          of Intellectual Property Rights with respect to vaccines in-

1 tended to prevent or mitigate COVID–19, if the Secretary  
2 concludes under subsection (a)(2) that such elimination or  
3 waiver—

4 (1) will not materially increase global COVID–  
5 19 vaccine access; or

6 (2) will have a negative impact on any of the  
7 factors described in subparagraphs (A) through (G)  
8 of subsection (a)(1).

9 (c) COVERED PERIOD DEFINED.—The term “covered  
10 period” means the period beginning on the date of the en-  
11 actment of this section and ending on December 31, 2022.

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