AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MS. JAYAPAL OF WASHINGTON

Page 1033, after line 14, insert the following:

1 **SEC. 1859. REQUIREMENTS FOR NONEXCLUSIVE LICENSING**
2 **OF CERTAIN INTERVENTIONS OF THE DE-**
3 **PARTMENT OF DEFENSE RELATING TO**
4 **COVID–19.**

5 For any vaccine or other medical intervention relating
6 to the Coronavirus Disease 2019 (COVID–19) owned by
7 the Department of Defense, including such a vaccine or
8 other intervention developed by the Walter Reed Army In-
9 stitute for Research, that is approved or authorized for
10 emergency use under the Federal Food, Drug, and Cos-
11 metic Act (21 U.S.C. 301 et seq.) or licensed under section
12 351 of the Public Health Service Act (42 U.S.C. 262),
13 the Secretary of Defense shall—

14   (1) in granting licenses pursuant to a tech-
15   nology transfer agreement, prioritize granting to
16   manufacturers determined qualified by the Secretary
17   nonexclusive licenses to manufacture such vaccina-
18   tion or other intervention;

1   (2) in entering into contracts for production of
2 the vaccine or other intervention for distribution and
3 use in the United States, to the extent practicable,
4 prioritize contracts providing for production of such
5 vaccine or other intervention at a Government-
6 owned, contractor-operated facility; and

7   (3) grant to the COVID–19 Technology Access
8 Pool of the World Health Organization, or any suc-
9 cessor to such pool—

10   (A) intellectual property rights with re-
11   spect to such vaccine or other intervention; or

12   (B) other intervention and clinical, manu-
13   facturing, and other data relevant to regulatory
14   authorization and manufacturing of such vac-
15   cine or other intervention that is held by the
16   United States Government; and

17   (4) take such steps as may be necessary to en-
18 sure that any contractor of the Department of De-
19 fense distributing such vaccine or other intervention
20 pursuant to a contract with the Department pro-
21 vides equitable access and fair pricing with respect
22 to such vaccine or other intervention.

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