AMENDMENT TO RULES COMM. PRINT 117–13
OFFERED BY MR. RESCHENTHALER OF PENNSYLVANIA

At the appropriate place in title LX of division E, insert the following:

1 SEC. ___. REPORT ON NATIONAL SECURITY IMPACTS OF TRIPS WAIVERS.

   (a) DEFINITIONS.—For purposes of this section—

      (1) TRIPS AGREEMENT.—The term “TRIPS Agreement” means the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).

      (2) TRIPS WAIVER.—The term “TRIPS waiver” means any waiver related to COVID-19 technologies of an obligation imposed on members of the World Trade Organization under the TRIPS Agreement.

   (b) INVESTIGATION.—The Secretary of Defense shall immediately initiate an investigation, in consultation with the Secretary of Commerce, to determine the effects of any proposed TRIPS waiver on national security.

   (c) REPORT.—
(1) IN GENERAL.—Not later than 120 days after the date on which an investigation is initiated under subsection (c), the Secretary of Defense, in consultation with the Secretary of Commerce, shall submit to the President a report that includes—

(A) the findings of such investigation with respect to the effects of a TRIPS waiver on national security; and

(B) the recommendations of the Secretary of Defense for action or inaction regarding the TRIPS waiver.

(2) MANDATORY RECOMMENDATION OF OPPOSITION.—If the Secretary of Defense finds that a TRIPS waiver threatens to impair national security, the Secretary shall include in the report described in paragraph (1) a recommendation to permanently oppose such TRIPS waiver.

(3) PUBLICATION.—Not later than 10 days after the President receives the report required by paragraph (1), each portion of the report that does not contain classified or proprietary information shall be published in the Federal Register.

(d) STATEMENT TO CONGRESS.—Not later than 30 days after the date on which the President receives the report required by subsection (c)(1), the President shall
submit to the Committees on Armed Services of the Senate and the House of Representatives a written statement describing the manner and extent to which the findings in such report will influence the decisions of the President on using the voice, vote, and influence of the United States at the World Trade Organization with respect to the TRIPS waiver.