

AMENDMENT TO RULES COMMITTEE PRINT 117-
31
OFFERED BY MR. RESCENTIALER OF
PENNSYLVANIA

At the appropriate place in title VI of division K, insert the following:

1 **SEC. ____ . REPORT ON NATIONAL SECURITY IMPACTS OF**
2 **TRIPS WAIVERS.**

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

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

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

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

17 (c) REPORT.—

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

6 (A) the findings of such investigation with
7 respect to the effects of a TRIPS waiver on na-
8 tional security; and

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

12 (2) MANDATORY RECOMMENDATION OF OPPOSI-
13 TION.—If the Secretary of Defense finds that a
14 TRIPS waiver threatens to impair national security,
15 the Secretary shall include in the report described in
16 paragraph (1) a recommendation to permanently op-
17 pose such TRIPS waiver.

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

23 (d) STATEMENT TO CONGRESS.—Not later than 30
24 days after the date on which the President receives the
25 report required by subsection (c)(1), the President shall

1 submit to the Committees on Armed Services of the Sen-
2 ate and the House of Representatives a written statement
3 describing the manner and extent to which the findings
4 in such report will influence the decisions of the President
5 on using the voice, vote, and influence of the United States
6 at the World Trade Organization with respect to the
7 TRIPS waiver.

