

117TH CONGRESS  
1ST SESSION

# H. R. 3236

To prohibit the President from taking any action to support the waiver of obligations of members of the World Trade Organization under the Agreement on Trade-Related Aspects of Intellectual Property Rights in relation to the prevention, containment, mitigation, or treatment of COVID–19 unless a statute is enacted expressly authorizing such a waiver with respect to the prevention, containment, mitigation, or treatment of COVID–19, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2021

Ms. SALAZAR (for herself, Mr. RICE of South Carolina, Mr. DONALDS, Mr. JACKSON, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prohibit the President from taking any action to support the waiver of obligations of members of the World Trade Organization under the Agreement on Trade-Related Aspects of Intellectual Property Rights in relation to the prevention, containment, mitigation, or treatment of COVID–19 unless a statute is enacted expressly authorizing such a waiver with respect to the prevention, containment, mitigation, or treatment of COVID–19, 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 “American Medical In-

5 vestment Generating Overseas Security Act” or the “AMI-

6 GOS Act”.

7 **SEC. 2. PROHIBITION ON ACTION TO SUPPORT WAIVER OF**  
8                   **OBLIGATIONS OF WTO MEMBERS UNDER THE**  
9                   **TRIPS AGREEMENT IN RELATION TO THE**  
10                  **PREVENTION, CONTAINMENT, MITIGATION,**  
11                  **OR TREATMENT OF COVID-19.**

12       The President may not take any action to support

13 the waiver of obligations of members of the World Trade

14 Organization under the TRIPS Agreement to implement

15 or apply sections 1, 4, 5, and 7 of part II of the TRIPS

16 Agreement or to enforce such sections under part III of

17 the TRIPS Agreement in relation to the prevention, con-

18 tainment, mitigation, or treatment of COVID–19 unless

19 a statute is enacted expressly authorizing such a waiver

20 with respect to the prevention, containment, mitigation,

21 or treatment of COVID–19.

22 **SEC. 3. PRIORITY IN ALLOCATING EXCESS VACCINES FOR**  
23                   **COVID-19 TO OTHER COUNTRIES.**

24       (a) IN GENERAL.—In allocating vaccines for

25 COVID–19 that are procured by or otherwise subject to

1 the control of the Federal Government and in excess of  
2 the demand for such vaccines by individuals in the United  
3 States who are eligible to receive such vaccines, the Presi-  
4 dent shall allocate such vaccines in accordance with the  
5 following order of priority:

6           (1) First, to other countries in the Western  
7 Hemisphere with the lowest rates of immunization  
8 for COVID–19.

9           (2) Second, to other countries in the Western  
10 Hemisphere based on other metrics developed by the  
11 President.

12           (3) Third, to United States allies and partner  
13 countries with the lowest rates of immunization for  
14 COVID–19.

15           (4) Fourth, to United States allies and partner  
16 countries based on the metrics developed under  
17 paragraph (2).

18           (b) EXCEPTIONS.—In allocating vaccines described in  
19 subsection (a), the President may waive the prioritization  
20 otherwise required by such subsection to allocate such vac-  
21 cines to countries that are determined by the President  
22 to be—

23           (1) experiencing a significantly high number of  
24 per capita COVID–19 cases and associated hos-  
25 pitalizations;

1           (2) at risk of a country-wide health care system  
2           collapse as a result of COVID–19; or

3           (3) experiencing the spread of a variant of  
4           SARS–CoV–2 that needs to be contained.

5           (c) MONITORING.—The President shall monitor the  
6           allocation of vaccines for COVID–19 to foreign countries  
7           under this section to ensure the governments of such coun-  
8           tries provide such vaccines to the peoples of such countries  
9           in a timely manner and do not otherwise withhold such  
10          vaccines.

11       **SEC. 4. MARKING REQUIREMENTS.**

12          (a) IN GENERAL.—Except as provided in subsection  
13       (b), vaccines for COVID–19 provided to foreign countries  
14       under section 3 shall be marked as assistance from the  
15       American people or the United States Government and  
16       shall include a depiction of the flag of the United States  
17       if appropriate.

18          (b) EXCEPTION.—The marking requirements of sub-  
19       section (a) shall not apply if the President determines that  
20       such requirements will endanger the lives or safety of per-  
21       sons delivering such vaccines or would have an adverse ef-  
22       fect on the administration of such vaccines.

23       **SEC. 5. DEFINITIONS.**

24          In this Act:

1           (1) COVID-19.—The term “COVID-19” re-  
2           fers to the 2019 coronavirus disease caused by  
3           SARS-CoV-2.

4           (2) SARS-CoV-2.—The term “SARS-CoV-2”  
5           refers to the severe acute respiratory syndrome  
6           coronavirus 2 virus responsible for COVID-19 and  
7           includes any viral variant mutating therefrom with  
8           pandemic potential.

9           (3) TRIPS AGREEMENT.—The term “TRIPS  
10          Agreement” means the Agreement on Trade-Related  
11          Aspects of Intellectual Property Rights referred to in  
12          section 101(d)(15) of the Uruguay Round Agree-  
13          ments Act (19 U.S.C. 3511(d)(15)).

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