

Introduction

Gilead advocates public policy that promotes the interests of the company, its shareholders, and its customers, and to advance the company's mission of creating a healthier world for all people. Because of the significant effects legislation, regulations, and other government actions can have on our business and the future of healthcare, it is important that policymakers understand the framework of an environment where we can continue to research, develop and bring to market cutting-edge medicines that help create a healthier world. This includes protections for intellectual property rights and prices for medicine that reflect the research and development costs associated with bringing a therapy to patients. Gilead participates in and supports many programs to increase access to its products for patients with financial need, but an equally important component of access is ensuring that medicines and treatments are developed and available to begin with. This requires that prices reflect the substantial costs of creating and developing them.

In addition to Gilead and its employees engaging with policymakers, the company participates in the public policy process through its involvement with trade associations. By working with other companies in our industry and with similar interests, we can amplify our voice on the issues that matter most. Trade associations also add value by creating a venue to interact with our peer companies and share best practices across the industry. The Nominating and Corporate Governance Committee ("NCGC") of the Gilead Board of Directors is responsible for providing oversight over Gilead's involvement with trade associations and reviews all payments to trade associations. Of course, our policies and priorities will never align completely with any given trade association, which has to answer to all of its members, but we do regularly evaluate our involvement with trade associations. If a trade association to which we belong takes positions that run contrary to our policy interests, Gilead Government Affairs, in coordination with Gilead senior management, will seek to guide the trade association's position into alignment with our own. If Gilead management determines that the misalignment is material, it would present such misalignment to the NCGC to review and make a final determination on Gilead's course of action. The NCGC would weigh the misalignment against the value that the trade association membership brings, and consider reducing or eliminating our involvement with the trade association.

Recently we conducted a more formal review of our most significant trade association relationships. We evaluated certain policy positions of each trade association to which the portion of Gilead's annual payments that are not deductible under Section 162(e) of the Internal Revenue Code exceed \$25,000. Those trade associations are Biotechnology Innovation Organization, California Life Sciences, Pharmaceutical Research and Manufacturers of America, and the United States Chamber of Commerce. We analyzed the trade associations' positions on Gilead's core public policy priorities (Drug Pricing and Access, and Intellectual Property Rights) and two other important company priorities: Climate Change, and Diversity, Equity and Inclusion. We then evaluated the congruency between the trade associations' positions and those of Gilead. After conducting the review, we are pleased to report the trade associations are all generally in close alignment. Details of our review follow.



Biotechnology Innovation Organization (BIO)

Gilead and Biotechnology Innovation Organization (BIO) are generally closely aligned on policy goals and specific positions in the areas analyzed.

	Gilead	BIO	Congruency Analysis
Drug Pricing and Access	Gilead is committed to	BIO believes that	Gilead and BIO are in
	policies that allow for	biotechnology can help	close alignment on drug
	increased access to	provide healthcare	pricing and access, with
	medicine. The company	solutions for a variety of	both supporting
	advocates for policies that	problems, such as opioid	increasing access to
	expand and accelerate	addiction, vaccine access,	important treatments,
	access to care, protect its	and disease prevention.	while opposing
	ability to innovate, and	BIO member companies	government price-setting.
	reduce health disparities	are committed to making	
	and inequities. Gilead	innovative biotechnology	
	participates in numerous	medicines available to	
	programs to promote	patients who need them	
	access to medicine	through the efficient	
	through financial	development of approved,	
	assistance for patients in	safe and effective	
	need. Gilead also supports	products. However, BIO	
	and sponsors various	opposes global drug price	
	programs that promote	control schemes. BIO	
	prevention, strengthen	believes that federally	
	healthcare infrastructure,	imposed price controls	
	and provide education and	will drastically slow the	
	financial support to the	creation of lifesaving	
	most vulnerable	drugs and treatments for	
	communities around the	Americans. BIO favors	
	world. The company has	expanding access to	
	serious concerns	investigational drugs as	
	regarding drug pricing	long as proper safeguards	
	proposals that would	remain in place. Lastly,	
	require manufacturers to	BIO and its members	
	accept government-set	often work together with	
	prices, disrupt clinical	patient advocacy	
	research and drug	organizations to better	
	development and	understand the patients	
	discourage the	they serve in order to help	
	development of certain	raise awareness and	
	types of drugs. Gilead	understanding of disease	
	also supports ensuring	and to advance patient-	
	that Pharmacy Benefit	focused public policies.	
	Managers are accountable		
	to enrolled patients,		
	reimbursed based on the		
	work they do, and that		
	they do not co-opt the		
	assistance that		
	manufacturers provide to		



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	patients to help defray		
Late II. at a 1.D	out-of-pocket costs.	DIO de la la	C'L. L. IDIO
Intellectual Property	Gilead believes that its	BIO strongly supports	Gilead and BIO are in
Rights	ability to obtain and	intellectual property (IP)	close alignment on the
	defend its intellectual	protections. The	protection of intellectual
	property and patents are	organization believes that	property rights. Both
	essential to its success	IP protections (1) are vital	believe strong protections
	and necessary in order for	to the survival of the	are necessary, both at
	the company to bring new and innovative medicines	biopharmaceutical	home and abroad, to
	to the world. Gilead	industry; (2) promote	ensure the development of
		necessary innovation; and (3) allow for the ability to	innovative new medicines.
	actively seeks patent		medicines.
	protection both in the United States and	create life-saving drugs.	
		In that vein, BIO opposes	
	internationally. Without	the waiver of IP rights related to the COVID-19	
	it, Gilead could not secure		
	or generate the capital	vaccine and its potential	
	required from their investors to ensure	extension to other biopharmaceutical	
	continued research and	1 ·	
	development. The	products as it sets a harmful precedent for the	
	company is a leader in the	world's ability to respond	
	licensure space and	to the next pandemic and	
	strongly supports	disincentivizes	
	establishing voluntary	biopharmaceutical	
	licensing and technology	companies.	
	transfer partnerships with	companies.	
	generic drug		
	manufacturers in order to		
	expand the use of		
	patented medicines in		
	low-income countries.		
Climate Change	Gilead has a longstanding	BIO believes that climate	Gilead and BIO are in
	commitment to reducing	change is one of the	close alignment in
	its greenhouse gas (GHG)	greatest public policy	expressing a commitment
	emissions, minimizing	challenges facing this	to combat climate change,
	waste generation, and	generation and that	with BIO emphasizing
	using resources	biotechnology has the	policy support for
	efficiently. The company	potential to be a	biotechnology and clean
	is committed to creating a	transformative asset in	fuels and Gilead focused
	future of responsible and	this struggle. It supports	on cutting company
	resilient growth and	efforts to reduce	emissions.
	factors the health of	greenhouse gas emissions	
	people, communities and	as well as establishing a	
	the environment into	national low carbon fuels	
	everything it does. As	standard. BIO strongly	
	such, Gilead has	supports the Growing	
	committed to reducing	Climate Solutions Act,	
	absolute GHG emissions	including the	
	across its direct	establishment of a	
	operations by 46% and	national carbon market,	
	across its value chain by	the U.S.'s decision to	
	15% by 2030 from a 2019	rejoin the Paris Climate	
	base year. The company	Accords, investing in	
	also has aligned itself	climate-based agricultural	



initiatives such as the U.N. Global Compact and the U.N. Sustainable Development Goals. Sustainable Aviation Fuels. BIO has encouraged the Biden administration to deploy biobased technologies and create a more sustainable supply chain. Lastly, BIO opposes the practice of granting small refinery hardship waivers under the Renewable Fuel Standard. BiO supports increasing diversity, equity and inclusion (DE&I) in the biotechnology space. It has spearheaded several initiatives decideated to improving diversity such as its BIOEquity Agenda and the Right Mix Matters campaign. The BIOEquity and inclusive culture, one that enables all people to do their best work and that is reflective of the diversity of its patients. BIO also believes that it is imperative to increase diversity in clinical trials in order to best reflect the population that will ultimately be using the tested drugs and has issued several press releases and commentaries on the subject. Lastly, BIO has committed to promoting health equity by promoting access to vaccines and therapeutics for uninsured and underserved populations and fostering enhanced nutritional, environmental, and mental wellness opportunities in economically		with various climate	innovations, and the	
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environmental, and mental wellness opportunities in economically				
mental wellness opportunities in economically			*	
opportunities in economically				
economically				
disadvantaged			disadvantaged	
communities.				





California Life Sciences

Gilead and California Life Sciences (CLS) are generally closely aligned on policy goals and specific positions in the areas analyzed. In particular, there is close alignment on drug pricing and access, intellectual property rights, and diversity, equity and inclusion. CLS does not have formal policy positions on climate change, though its promotion of biofuel and renewable chemicals is generally aligned with Gilead's climate policies.

	Gilead	CLS	Congruency Analysis
Drug Pricing and Access	Gilead is committed to	CLS supports policies to	Gilead and CLS are in
	policies that allow for	expand insurance	close alignment on drug
	increased access to	coverage to cover more	pricing and access, with
	medicine. The company	medical tests and	both supporting steps to
	advocates for policies that	treatments. It also	reduce out-of-pocket costs
	expand and accelerate	supports policies to lower	for medicine and
	access to care, protect its	prescription drug costs,	increasing access, while
	ability to innovate, and	such as caps on out-of-	opposing government
	reduce health disparities	pocket costs in the	price-setting. Gilead also
	and inequities. Gilead	Medicare Part D program,	participates in numerous
	participates in numerous	rebate transparency, and	programs to expand
	programs to promote	pharmacy benefit	access to treatments.
	access to medicine	manager transparency.	
	through financial	However, CLS strongly	
	assistance for patients in	opposes price controls on	
	need. Gilead also supports	prescription drugs, such	
	and sponsors various	as through Medicare drug	
	programs that promote	price negotiation and	
	prevention, strengthen	international reference	
	healthcare infrastructure,	pricing. As a result, it was	
	and provide education and	very critical of the	
	financial support to the	Inflation Reduction Act	
	most vulnerable	and urged California's	
	communities around the	congressional delegation	
	world. The company has	to vote against it.	
	serious concerns		
	regarding drug pricing		
	proposals that would		
	require manufacturers to		
	accept government-set		
	prices, disrupt clinical		
	research and drug		
	development and		
	discourage the		
	development of certain		
	types of drugs. Gilead		
	also supports ensuring		
	that Pharmacy Benefit		
	Managers are accountable		
	to enrolled patients,		
	reimbursed based on the		
	work they do, and that		
	they do not co-opt the		



		1	
	assistance that		
	manufacturers provide to		
	patients to help defray		
Intellectual Property	out-of-pocket costs. Gilead believes that its	CLS supports intellectual	Gilead and CLS are in
Rights	ability to obtain and defend its intellectual property and patents are essential to its success and necessary in order for the company to bring new and innovative medicines to the world. Gilead actively seeks patent protection both in the United States and	property protections, which it believes are critical to promoting innovation, competition, and product development in the life sciences industry and guarding against piracy and counterfeiting. CLS opposes efforts to weaken U.S. patent law or to use	close alignment on the protection of intellectual property rights. Both believe strong protections are necessary, both at home and abroad, to ensure the development of innovative new medicines.
	internationally. Without it, Gilead could not secure or generate the capital required from their investors to ensure continued research and development. The company is a leader in the licensure space and strongly supports establishing voluntary licensing and technology transfer partnerships with generic drug manufacturers in order to expand the use of patented medicines in low-income countries.	it as a vehicle to impose price controls for prescription drugs. It also believes countries that abuse international IP rules must be held to account.	
Climate Change	Gilead has a longstanding commitment to reducing its greenhouse gas (GHG) emissions, minimizing waste generation, and using resources efficiently. The company is committed to creating a future of responsible and resilient growth and factors the health of people, communities and the environment into everything it does. As such, Gilead has committed to reducing absolute GHG emissions across its direct operations by 46% and across its value chain by 15% by 2030 from a 2019	CLS supports the Renewable Fuel Standard and expanding the coverage of biofuels tax credits to include renewable chemicals and biobased products. However, it has not articulated specific positions on climate policy.	CLS does not have formal policies about climate change, but its promotion of biofuel and renewable chemicals is generally aligned with Gilead's climate policies.



	base year. The company also has aligned itself with various climate initiatives such as the U.N. Global Compact and the U.N. Sustainable Development Goals.		
Diversity, Equity and Inclusion	Encouraging diversity is one of Gilead's five core values. The company has implemented various programs and policies to support its diversity efforts and has received numerous accolades for its commitment to diversity and inclusion in the workplace. Gilead seeks to create an inclusive culture, one that enables all people to do their best work and that is reflective of the diversity of its patients.	CLS is committed to promoting diversity, equity, and inclusion. It has developed the Racial and Social Equity Initiative, which seeks to (1) develop a talent pipeline for BIPOC populations, (2) promote innovation and entrepreneurship for BIPOC populations, (3) build diverse boards, and (4) promote health equity.	Gilead and CLS are in close alignment on promoting diversity, equity, and inclusion.



Pharmaceutical Research and Manufacturers of America

Gilead and Pharmaceutical Research and Manufacturers of America (PhRMA) are closely aligned on policy goals and specific positions in the areas analyzed.

	Gilead	PhRMA	Congruency Analysis
Drug Pricing and Access	Gilead is committed to	PhRMA supports a wide	Gilead and PhRMA are in
	policies that allow for	range of reforms to	close alignment on drug
	increased access to	decrease prices for and to	pricing and access, with
	medicine. The company	increase access to	both supporting steps to
	advocates for policies that	prescription drugs. These	reduce out-of-pocket costs
	expand and accelerate	include: (1) reducing	for medicine and
	access to care, protect its	costs in Medicare Part B	increasing access, while
	ability to innovate, and	and D; (2) improving	opposing government
	reduce health disparities	insurance coverage by	price-setting. Gilead also
	and inequities. Gilead	covering more medicines	participates in numerous
	participates in numerous	from day one and making	programs to expand
	programs to promote	out-of-pocket costs more	access to treatments.
	access to medicine	predictable; (3) protecting	
	through financial	the safety net by	
	assistance for patients in	maintaining robust	
	need. Gilead also supports	Medicaid coverage of	
	and sponsors various	prescription drugs and	
	programs that promote	improving oversight over	
	prevention, strengthen	the 340B program, and	
	healthcare infrastructure,	(4) ending misaligned	
	and provide education and	incentives for	
	financial support to the	pharmaceutical supply	
	most vulnerable	chain middlemen and	
	communities around the	enhancing market	
	world. The company has	competition. PhRMA	
	serious concerns	strongly opposes	
	regarding drug pricing	government price-setting,	
	proposals that would	including through	
	require manufacturers to	Medicare Part D drug	
	accept government-set	pricing negotiation, and	
	prices, disrupt clinical	has been very critical of	
	research and drug	the drug pricing	
	development and	provisions in the Inflation	
	discourage the	Reduction Act.	
	development of certain		
	types of drugs. Gilead		
	also supports ensuring		
	that Pharmacy Benefit		
	Managers are accountable		
	to enrolled patients,		
1	reimbursed based on the		
	work they do, and that		
1	they do not co-opt the		
	assistance that		
	manufacturers provide to		



	matiants to halm defeat		
	patients to help defray		
I + 11 + 1 D	out-of-pocket costs. Gilead believes that its	DI DA (A	C'I. I. I. I. DI D.M.
Intellectual Property	ability to obtain and	PhRMA supports intellectual property	Gilead and PhRMA are in close alignment on the
Rights	defend its intellectual	protections for the	protection of intellectual
		1 *	-
	property and patents are	biopharmaceutical	property rights. Both
	essential to its success	industry, which it views	believe strong protections
	and necessary in order for	as critical to ensuring	are necessary, both at home and abroad, to
	the company to bring new and innovative medicines	market competition and	1
	to the world. Gilead	the development of future	ensure the development of innovative new
		treatments and cures. It	medicines.
	actively seeks patent	supports incorporating	medicines.
	protection both in the United States and	intellectual property	
		safeguards into trade	
	internationally. Without	agreements to ensure that other countries do not	
	it, Gilead could not secure		
	or generate the capital	engage in harmful practices, such as	
	required from their investors to ensure	1 *	
	continued research and	compulsory licensing, that deny companies the most	
	development. The		
	company is a leader in the	basic intellectual property protections. PhRMA has	
	licensure space and	been critical of the Biden	
	strongly supports	administration's positions	
		on a number of	
	establishing voluntary		
	licensing and technology	intellectual property	
	transfer partnerships with	issues, particularly the	
	generic drug manufacturers in order to	administration's support	
	expand the use of	for waiving certain parts	
		of the WTO Agreement	
	patented medicines in low-income countries.	on Trade-Related Aspects of Intellectual Property	
	low-income countries.		
		Rights. PhRMA also opposes the use of	
		"march-in," which it	
		describes as when the	
		government seizes patent	
		rights from an innovator to let competitors use that	
		patented invention.	
Climata Changa	Giland has a langetanding	In October 2021, PhRMA	Gilead and PhRMA are in
Climate Change	Gilead has a longstanding commitment to reducing	joined other major	close alignment in
	its greenhouse gas (GHG)	biopharmaceutical	expressing a commitment
	emissions, minimizing	industry trade groups	to combat climate change,
	waste generation, and	around the world in	with Gilead making
	using resources	issuing a statement	additional specific
	efficiently. The company	expressing the industry's	commitments on reducing
	is committed to creating a	commitment to combat	emissions.
	future of responsible and	climate change. However,	VIIII0010II0.
	resilient growth and	PhRMA has not	
	factors the health of	articulated specific	
	people, communities and	positions on climate	
	the environment into	policy.	
	everything it does. As	poney.	
	such, Gilead has		
	such, Officau flas		



	committed to reducing absolute GHG emissions across its direct operations by 46% and across its value chain by 15% by 2030 from a 2019 base year. The company also has aligned itself with various climate initiatives such as the U.N. Global Compact and the U.N. Sustainable Development Goals.		
Diversity, Equity and Inclusion	Encouraging diversity is one of Gilead's five core values. The company has implemented various programs and policies to support its diversity efforts and has received numerous accolades for its commitment to diversity and inclusion in the workplace. Gilead seeks to create an inclusive culture, one that enables all people to do their best work and that is reflective of the diversity of its patients.	PhRMA is committed to enhancing diversity, equity, and inclusion in the pharmaceutical industry. It published the first ever industry-wide principles on clinical trial diversity. PhRMA has also created a grant program that awards money to community-based projects to address inequities in diagnosis, treatment, and adherence. Lastly, PhRMA has published an open letter on equity, noting that systemic racism is as real as any disease and commits PhRMA to pursuing various measures in order to improve its diversity, equity, and inclusion efforts.	Gilead and PhRMA are in close alignment on promoting diversity, equity, and inclusion.



U.S. Chamber of Commerce

Gilead and the U.S. Chamber of Commerce (the Chamber) are generally closely aligned on policy goals and specific positions in the areas analyzed. Because the Chamber includes a broad membership that crosses multiple industries, it has some positions that are less relevant to Gilead, but those positions are not adverse to Gilead's interests.

	Gilead	Chamber	Congruency Analysis
Drug Pricing and Access	Gilead is committed to policies that allow for increased access to medicine. The company	The Chamber supports policies that expand access to and lower the cost of high-quality	Gilead and the Chamber are in close alignment on drug pricing and access, with both supporting steps
	increased access to medicine. The company advocates for policies that expand and accelerate access to care, protect its ability to innovate, and reduce health disparities and inequities. Gilead participates in numerous programs to promote access to medicine through financial assistance for patients in need. Gilead also supports and sponsors various programs that promote prevention, strengthen healthcare infrastructure, and provide education and financial support to the most vulnerable communities around the world. The company has serious concerns regarding drug pricing proposals that would require manufacturers to accept government-set prices, disrupt clinical research and drug	access to and lower the	drug pricing and access,
	development and discourage the development of certain types of drugs. Gilead		
	also supports ensuring that Pharmacy Benefit Managers are accountable to enrolled patients, reimbursed based on the		
	work they do, and that they do not co-opt the assistance that		



	manufacturers provide to		
	patients to help defray		
	out-of-pocket costs.		
Intellectual Property	Gilead believes that its	The Chamber supports	Gilead and the Chamber
Rights	ability to obtain and	intellectual property	are in close alignment on
Tights	defend its intellectual	protections to promote	the protection of
	property and patents are	competition in the U.S.	intellectual property
	essential to its success	=	
		and overseas, encourage	rights. Both believe strong
	and necessary in order for	development of new and	protections are necessary,
	the company to bring new	emerging technologies,	both at home and abroad,
	and innovative medicines	increase R&D investment,	to ensure the development
	to the world. Gilead	incentivize the sharing of	of innovative new
	actively seeks patent	new technologies, and	technologies.
	protection both in the	protect networks from	
	United States and	technology theft. The	
	internationally. Without	Chamber opposed	
	it, Gilead could not secure	waiving certain parts of	
	or generate the capital	the WTO Agreement on	
	required from their	Trade-Related Aspects of	
	investors to ensure	Intellectual Property	
	continued research and	Rights, which it said	
	development. The	would undermine IP	
	company is a leader in the	protections and remove	
	licensure space and	barriers against forced	
	strongly supports	technology transfer. It has	
	establishing voluntary	called for the U.S. to	
	licensing and technology	address systemic IP issues	
	transfer partnerships with	in global markets,	
	generic drug	including insufficient	
	manufacturers in order to	patent protection and	
	expand the use of	compulsory licensing.	
	patented medicines in		
	low-income countries.		
Climate Change	Gilead has a longstanding	The Chamber	Gilead and the Chamber
	commitment to reducing	acknowledges that climate	are in close alignment in
	its greenhouse gas (GHG)	change poses a severe	expressing a commitment
	emissions, minimizing	threat, that humans are	to combat climate change.
	waste generation, and	contributing to it, and that	The Chamber supports a
	using resources	steps needs to be taken to	number of market-based
	efficiently. The company	address it on a global	policies to reduce
	is committed to creating a	scale. The Chamber	emissions while
	future of responsible and	supports durable,	supporting business;
	resilient growth and	predictable, and	Gilead is focused on
	factors the health of	technology-neutral	specific commitments on
	people, communities and	climate policies. It has	reducing its own
	the environment into	endorsed a wide range of	emissions.
	everything it does. As	climate measure,	
	such, Gilead has	including: a market-based	
	committed to reducing	approach to accelerate	
	absolute GHG emissions	greenhouse gas emissions	
	across its direct	reductions, direct	
	operations by 46% and	regulations on methane	
	across its value chain by	emissions from oil and	
	15% by 2030 from a 2019	gas operations, incentives	
	base year. The company	for substance	



	also has aligned itself	transportation fuels,	
	with various climate	nuclear generation, and	
	initiatives such as the	hydrogen production, and	
	U.N. Global Compact and	tax credits for carbon	
	the U.N. Sustainable	sequestration and for	
	Development Goals.	wind and solar generation.	
	-	The Chamber endorsed	
		the Paris Climate Accords	
		and the bipartisan	
		infrastructure package,	
		which it called the most	
		significant climate piece	
		of legislation ever enacted	
		in the U.S. It also has	
		opposed a number of	
		climate policies, which it	
		argues are	
		counterproductive and	
		harmful to free enterprise,	
		including the Green New	
		Deal.	
Diversity, Equity and	Encouraging diversity is	The Chamber recognizes	Gilead and the Chamber
Inclusion	one of Gilead's five core	the role that diversity,	are in close alignment on
	values. The company has	equity, and inclusion	promoting diversity,
	implemented various	(DEI) play in creating a	equity, and inclusion.
	programs and policies to	vibrant and dynamic	1 37
	support its diversity	economy. It promotes	
	efforts and has received	DEI by supporting	
	numerous accolades for	member efforts,	
	its commitment to	instituting programs, and	
	diversity and inclusion in	conducting studies that	
	the workplace. Gilead	illustrate that diversity is a	
	seeks to create an	strength in America.	
	inclusive culture, one that	Sa Sagar in Amienieu.	
	enables all people to do		
	their best work and that is		
	reflective of the diversity		
	of its patients.		
	or no paneno.		



Methodology

This report surveys the public policy positions of Gilead and the four trade associations to which Gilead pays more than \$25,000 per year in dues that are not deductible under Section 162(e) of the Internal Revenue Code: the Biotechnology Innovation Organization, California Life Sciences, the Pharmaceutical Research and Manufacturers of America, and the U.S. Chamber of Commerce (collectively the "Trade Associations"). The review included the notable written policies of Gilead and the Trade Associations generally addressing four issues: Drug Pricing and Access; Intellectual Property; Climate Change; Diversity, Equity, and Inclusion.

The report draws from the policies maintained on the websites of Gilead and the Trade Associations. The policies were identified through a review of the respective websites and targeted keyword searches of the websites. In addition, we compiled recent notable criticism of the Trade Associations' positions featured in media outlets through keyword searches of media databases. Please note, this report is focused on current Gilead and Trade Association policies as of Fall 2022 and we omitted policies no longer in effect and criticism prior to 2020.