

116TH CONGRESS
2D SESSION

S. 4539

To direct the Secretary of Health and Human Services and other Federal officials to compile into a searchable database information relating to Federal support for biomedical research and development related to COVID–19, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2020

Mr. MERKLEY (for himself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To direct the Secretary of Health and Human Services and other Federal officials to compile into a searchable database information relating to Federal support for biomedical research and development related to 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 “Taxpayer Research
5 and Coronavirus Knowledge Act of 2020”.

1 **SEC. 2. DATABASE.**

2 (a) IN GENERAL.—The Secretary of Health and
3 Human Services, the Director of the National Institutes
4 of Health, the Assistant Secretary for Preparedness and
5 Response, the Director of the Biomedical Advanced Re-
6 search and Development Authority, the Secretary of De-
7 fense, the Secretary of Veterans Affairs, the Director of
8 the National Institute of Allergy and Infectious Diseases,
9 and such other Federal officials as the Secretary of Health
10 and Human Services determines to be appropriate, acting
11 in coordination, shall—

12 (1) compile into a searchable database informa-
13 tion relating to Federal support (before or after the
14 date of enactment of this Act) for biomedical re-
15 search and development related to COVID–19 (in-
16 cluding biomedical research and development relat-
17 ing to a product or therapy that was later modified
18 or repurposed to be used for COVID–19); and

19 (2) make such database available on the public
20 website of the Department of Health and Human
21 Services.

22 (b) COVERED INFORMATION.—The information relat-
23 ing to Federal support referred to in subsection (a)(1) in-
24 cludes all contracts, funding agreements, licensing ar-
25 rangements, other transactions, and other arrangements
26 entered into by the Federal Government and tax benefits

1 provided with respect to research and development, and
2 manufacturing, of a drug (including biological products),
3 cell or gene therapy, or medical device intended to be man-
4 ufactured, used, designed, developed, modified,
5 repurposed, licensed, or procured to diagnose, mitigate,
6 prevent, treat, or cure COVID–19, including the following:

7 (1) Licensing agreements pursuant to section
8 207 of title 35, United States Code.

9 (2) Cooperative research and development
10 agreements and licensing agreements pursuant to
11 section 12 of the Stevenson-Wydler Technology In-
12 novation Act of 1980 (15 U.S.C. 3710a).

13 (3) Funding agreements, as defined in section
14 201 of title 35, United States Code.

15 (4) Other transactions entered into pursuant to
16 the following:

17 (A) Section 319L of the Public Health
18 Service Act (42 U.S.C. 247d–7e).

19 (B) Section 105 of the National Institutes
20 of Health Reform Act of 2006 (42 U.S.C.
21 284n).

22 (C) Section 480 of the Public Health Serv-
23 ice Act (42 U.S.C. 287a).

24 (D) Section 421 of the Public Health Serv-
25 ice Act (42 U.S.C. 285b–3).

1 (E) Section 2371 of title 10, United States
2 Code.

3 (5) Tax credits and deductions associated
4 with—

5 (A) qualified clinical testing expenses, as
6 defined in section 45C of the Internal Revenue
7 Code of 1986;

8 (B) qualified research expenses, as defined
9 in section 41 of the Internal Revenue Code of
10 1986; and

11 (C) charitable contributions, as defined in
12 section 170(e) of the Internal Revenue Code of
13 1986, to patient assistance programs.

14 (c) INFORMATION REQUIRED.—Notwithstanding any
15 other provision of law, the Federal officials referred to in
16 subsection (a) shall include in the database under sub-
17 section (a), with regard to each contract, funding agree-
18 ment, licensing arrangement, other transaction, other ar-
19 rangement, or tax benefit described in subsection (b), at
20 least the following information:

21 (1) The agency, program, institute, or other
22 Federal Government entity providing the Federal
23 support.

24 (2) The amount and period of Federal financial
25 support with an itemized breakdown.

1 (3) Other Federal nonfinancial support, includ-
2 ing the use of Federal personnel, Federal facilities,
3 and Federal equipment.

4 (4) The grant number, if applicable.

5 (5) Associated clinical trial data, upon trial
6 completion.

7 (6) Associated patents and patent applications,
8 specifying—

9 (A) any Federal ownership in such patents
10 and patent applications;

11 (B) the expiration date of such patents
12 and filing dates of such patent applications; and

13 (C) the numbers of such patents and pat-
14 ent applications.

15 (7) Associated periods of marketing exclusivity
16 under Federal law and the durations of such peri-
17 ods.

18 (8) The corporation, nonprofit organization,
19 academic institution, person, or other entity receiv-
20 ing the Federal support.

21 (9) Any products (including repurposed prod-
22 ucts) approved, authorized, or cleared for marketing,
23 or for which marketing approval, authorization, or
24 clearance is being sought, the development of which
25 was aided by Federal support, including—

- 1 (A) the names of such products;
2 (B) the prices of such products; and
3 (C) the current and anticipated manufac-
4 turing capacity to produce such products.

5 (10) The full terms of the contract, funding
6 agreement, licensing arrangement, other transaction,
7 or other arrangement described in subsection (b).

8 (d) **FORMAT OF INFORMATION.**—The database under
9 subsection (a) shall be—

10 (1) searchable and filterable according to the
11 categories of information described in subsection (c);
12 and

13 (2) presented in a user-friendly format.

14 (e) **TIMING.**—The database under subsection (a)
15 shall be—

16 (1) made publicly available not later than 1
17 month of the date of enactment of this Act; and

18 (2) updated not less than every 30 days.

19 (f) **DISCLOSURE.**—

20 (1) **IN GENERAL.**—Notwithstanding any other
21 provision of law, to the extent necessary for an offi-
22 cial referred to in subsection (a) to carry out this
23 section, such official may require entities receiving
24 Federal support referred to in subsection (a)(1) to
25 disclose to the official any information relating to

1 such Federal support and required to be included in
2 the database under subsection (a).

3 (2) PENALTY FOR NONDISCLOSURE.—If an en-
4 tity that is required to disclose information pursuant
5 to paragraph (1) fails to disclose such information
6 within a reasonable period of time or within 2 weeks
7 of the official requesting such information, whichever
8 is sooner, then such entity and all executive officers
9 employed by such entity shall no longer be eligible
10 for the receipt of Federal support in the form of a
11 contract, funding agreement, licensing arrangement,
12 other transaction, or other arrangement.

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