

117TH CONGRESS
1ST SESSION

H. R. 1391

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 HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2021

Mr. DOGGETT (for himself, Ms. BARRAGÁN, Mrs. BEATTY, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. CHU, Mr. CICILLINE, Mr. COHEN, Mr. COURTNEY, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DESAULNIER, Mrs. DINGELL, Mr. EVANS, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS, Mrs. HAYES, Ms. JAYAPAL, Ms. JOHNSON of Texas, Ms. KAPTUR, Mr. KHANNA, Mr. KILDEE, Ms. LEE of California, Mr. LEVIN of Michigan, Mr. LOWENTHAL, Ms. MENG, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Ms. PINGREE, Mr. POCAN, Ms. PORTER, Ms. SCANLON, Ms. SCHAKOWSKY, Ms. SPANBERGER, Mr. SUOZZI, Mr. TAKANO, Ms. TITUS, Mr. TRONE, Mr. VARGAS, Mr. WELCH, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, Veterans' Affairs, Science, Space, and Technology, the Judiciary, and 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

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 2021”.

6 **SEC. 2. DATABASE.**

7 (a) IN GENERAL.—The Secretary of Health and
8 Human Services, the Director of the National Institutes
9 of Health, the Assistant Secretary for Preparedness and
10 Response of the Department of Health and Human Serv-
11 ices, the Director of the Biomedical Advanced Research
12 and Development Authority, the Secretary of Defense, the
13 Secretary of Veterans Affairs, the Director of the National
14 Institute of Allergy and Infectious Diseases, and such
15 other Federal officials as the Secretary of Health and
16 Human Services determines to be relevant, acting in co-
17 ordination, shall—

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

1 (2) make such database available on the public
2 website of the Department of Health and Human
3 Services.

4 (b) COVERED INFORMATION.—The information relat-
5 ing to Federal support referred to in subsection (a)(1) in-
6 cludes all contracts, funding agreements, licensing ar-
7 rangements, other transactions, and other arrangements
8 entered into by or on behalf of the Federal Government
9 and tax benefits provided with respect to research and de-
10 velopment, and manufacturing, of a drug (including a bio-
11 logical product), cell or gene therapy, or medical device
12 intended to be manufactured, used, designed, developed,
13 modified, repurposed, licensed, or procured to diagnose,
14 mitigate, prevent, treat, or cure COVID–19, including the
15 following:

16 (1) Licensing agreements pursuant to section
17 207 or 209 of title 35, United States Code.

18 (2) Cooperative research and development
19 agreements and licensing agreements pursuant to
20 section 3710a of title 15, United States Code.

21 (3) Funding agreements, as defined under sec-
22 tion 201 of title 35, United States Code.

23 (4) Transactions, contracts, grants, cooperative
24 agreements, other agreements, and other arrange-

1 ments entered into pursuant to the following stat-
2 utes:

3 (A) The Public Health Service Act (42
4 U.S.C. 201 et seq.), including sections 301,
5 319L, 421, and 480 of such Act (42 U.S.C.
6 241, 247d–7e, 285b–3, 287a).

7 (B) Section 105 of the National Institutes
8 of Health Reform Act of 2006 (42 U.S.C.
9 284n).

10 (C) Chapter 139 of title 10, United States
11 Code (10 U.S.C. 2351 et seq.), including sec-
12 tions 2358, 2371, 2371a, 2371b, and 2373.

13 (5) Grants, contracts, and other transactions
14 pursuant to section 2371, 2371a, or 2371b of title
15 10, United States Code.

16 (6) Procurement contracts and other agree-
17 ments pursuant to section 2373 of title 10, United
18 States Code.

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

1 (1) The agency, program, institute, or other
2 Federal Government entity providing the Federal
3 grant, cooperative agreement, or other support.

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

6 (3) Other Federal nonfinancial support, includ-
7 ing the use of Federal personnel, Federal facilities,
8 and Federal equipment.

9 (4) The grant number, if applicable.

10 (5) Associated clinical trial data, upon trial
11 completion.

12 (6) Associated patents and patent applications,
13 specifying—

14 (A) any Federal ownership in such patents
15 and patent applications;

16 (B) the expiration date of such patents
17 and filing dates of such patent applications; and

18 (C) the numbers of such patents and pat-
19 ent applications.

20 (7) Associated periods of marketing exclusivity
21 under Federal law and the durations of such peri-
22 ods.

23 (8) The corporation, nonprofit organization,
24 academic institution, person, or other entity receiv-
25 ing the Federal support.

1 (9) Any products (including repurposed prod-
2 ucts) approved, authorized, or cleared for marketing,
3 or for which marketing approval, authorization, or
4 clearance is being sought, the development of which
5 was aided by Federal support, including—

6 (A) the names of such products;

7 (B) the prices of such products; and

8 (C) the current and anticipated manufac-
9 turing capacity to produce such products.

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

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

15 (1) searchable and filterable according to the
16 categories of information described in subsection (c);
17 and

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

19 (e) **TIMING.**—The database under subsection (a)
20 shall be—

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

23 (2) updated not less than every 2 weeks.

24 (f) **DISCLOSURE.**—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, to the extent necessary for an offi-
3 cial referred to in subsection (a) to carry out this
4 section, such official may require entities receiving
5 Federal support referred to in subsection (a)(1) to
6 disclose to the official any information relating to
7 such Federal support and required to be included in
8 the database under subsection (a).

9 (2) INTERMEDIARY COOPERATION.—Any ar-
10 rangement entered into by the Federal Government
11 with an entity providing for such entity to enter into
12 contracts, licensing agreements, grants, other trans-
13 actions, or other arrangements with third parties on
14 behalf of the Federal Government shall require such
15 entity to disclose in a timely manner any informa-
16 tion necessary for the Federal Government to fulfill
17 its duties under this Act. With respect to any such
18 arrangement in place as of the date of enactment of
19 this Act, an official referred to in subsection (a) may
20 require the entity to disclose to the official any infor-
21 mation required to be included in the database
22 under subsection (a).

23 (3) PENALTY FOR NONDISCLOSURE.—If an en-
24 tity that is required to disclose information pursuant
25 to paragraph (1) or (2) fails to disclose such infor-

1 mation by the date that is two weeks after the date
2 on which the official requests such information, or
3 by such reasonable deadline as the official may
4 specify, whichever is sooner, then such entity shall
5 be liable to the United States for a civil penalty in
6 an amount not to exceed \$10,000 for each day on
7 which such failure continues.

○