

117TH CONGRESS
2D SESSION

H. R. 9708

To amend title 18, United States Code, to prohibit former employees of covered health agencies from serving on the board of entities involved in development and research of covered vaccines, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2023

Mr. GOHMERT introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit former employees of covered health agencies from serving on the board of entities involved in development and research of covered vaccines, 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 “Fixing Administrations
5 Unethical Corrupt Influence Act” or the “FAUCI Act”.

1 **SEC. 2. PROHIBITION AGAINST SERVICE BY FORMER EM-**
 2 **PLOYEES OF COVERED HEALTH AGENCIES**
 3 **ON BOARDS OF ENTITIES INVOLVED IN DE-**
 4 **VELOPMENT AND RESEARCH OF VACCINES.**

5 (a) PROHIBITION AGAINST SERVICE ON BOARDS OF
 6 ENTITIES.—Title 18, United States Code, is amended by
 7 inserting after section 207 the following new section:

8 **“§ 207A. Prohibition against service by former em-**
 9 **ployees of covered health agencies on**
 10 **boards of entities involved in develop-**
 11 **ment and research of vaccines.**

12 “(a) PROHIBITION AGAINST SERVICE BY FORMER
 13 EMPLOYEES OF COVERED HEALTH AGENCIES ON
 14 BOARDS OF ENTITIES INVOLVED IN DEVELOPMENT AND
 15 RESEARCH OF VACCINES.—Any person who is a top offi-
 16 cial of a covered health agency of the United States, and
 17 who, after the termination of his or her service or employ-
 18 ment with the United States, serves as an officer or mem-
 19 ber of the board of any association, corporation, or entity
 20 that directly manufactures or researches covered vaccines
 21 shall be punished as provided in section 216 of this title.

22 “(b) DEFINITIONS.—In this section:

23 “(1) COVERED HEALTH AGENCY.—The term
 24 ‘covered health agency’ means any of the following:

25 “(A) The National Institutes of Health.

26 “(B) The Food and Drug Administration.

1 “(C) The Centers for Disease Control and
2 Prevention.

3 “(2) COVERED VACCINES.—The term ‘covered
4 vaccine’ means—

5 “(A) a vaccine licensed under section 351
6 of the Public Health Service Act; or

7 “(B) a vaccine authorized for emergency
8 use under section 564 of the Federal Food,
9 Drug, and Cosmetic Act.

10 “(3) TOP OFFICIAL.—The term ‘top official’
11 means—

12 “(A) any officer or employee in the execu-
13 tive branch who occupies a position classified at
14 or above GS–13 of the General Schedule or, in
15 the case of positions not under the General
16 Schedule, for which the rate of basic pay is
17 equal to or greater than the minimum rate of
18 basic pay payable for GS–13 of the General
19 Schedule; or

20 “(B) any employee of the Federal Govern-
21 ment who directly or indirectly has input or any
22 authority to determine or help determine the
23 authorization for use or emergency use author-
24 ization of vaccines.”.

1 (b) TABLE OF CHAPTERS.—Chapter of 11 of title 18,
 2 United States Code, is amended by inserting after the
 3 item relating to section 207 the following:

“Sec. 207A. Prohibition against service by former employees of covered health
 agencies on boards of entities involved in development and re-
 search of vaccines.”.

4 (c) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply with respect to an individual whose
 6 service or employment with the United States terminates
 7 on or after the date of the enactment of this Act.

8 **SEC. 3. PROHIBITION AGAINST OWNERSHIP OR FINANCIAL**
 9 **INTEREST IN CERTAIN PATENTS.**

10 (a) AMENDMENT.—Section 208 of title 18 is amend-
 11 ed by adding at the end the following new subsection:

12 “(e) PROHIBITION AGAINST OWNERSHIP OR FINAN-
 13 CIAL INTEREST IN CERTAIN PATENTS.—

14 “(1) IN GENERAL.—A person who is a top offi-
 15 cial may not own or profit from a covered patent (or
 16 any right or interest in a covered patent), submit an
 17 application for a covered patent, (or be included in
 18 the application for a covered patent)—

19 “(A) in the case of a vaccine or medical
 20 treatment invented by the person during the
 21 course of employment as a top official, at any
 22 point after becoming a top official;

23 “(B) in the case of a vaccine or medical
 24 treatment invented by the person before or out-

1 side the course of employment as a top official,
2 at any point after becoming a top official;

3 “(C) in the case of a covered patent for
4 which the top official was issued a patent before
5 or outside the course of employment as a top
6 official, at any point after becoming a top offi-
7 cial; and

8 “(D) in the case of a covered patent owned
9 by the top official or a covered patent in which
10 the top official has any right or interest in be-
11 fore the course of employment as a top official,
12 at any point after becoming a top official.

13 “(2) ASSIGNMENT OF PRIOR PATENTS.—

14 “(A) IN GENERAL.—To comply with para-
15 graph (1), a person who is a top official may
16 assign grant, or convey ownership of a covered
17 patent, or any rights or interest in a covered
18 patent, to another person, before becoming a
19 top official.

20 “(B) AFTER FEDERAL SERVICE.—In the
21 case of a covered patent described under para-
22 graph (1)(A), any rights or interest in the pat-
23 ent that are assigned, granted, or conveyed
24 under subparagraph (A), may not be reassigned

1 to the top official after such individual ceases to
2 be a top official.

3 “(3) DEFINITIONS.—In this subsection:

4 “(A) COVERED PATENT.—The term ‘cov-
5 ered patent’ means a patent issued by the
6 United States for a vaccine or medical treat-
7 ment.

8 “(B) TOP OFFICIAL.—The term ‘top offi-
9 cial’ means—

10 “(i) Each officer or employee in the
11 executive branch who occupies a position
12 classified at or above GS–13 of the Gen-
13 eral Schedule or, in the case of positions
14 not under the General Schedule, for which
15 the rate of basic pay is equal to or greater
16 than the minimum rate of basic pay pay-
17 able for GS–13 of the General Schedule; or

18 “(ii) any employee of the Federal
19 Government who directly or indirectly has
20 input or any authority to determine or help
21 determine the authorization for use or
22 emergency use authorization of vaccines.”.

23 (b) PRIOR PATENTS.—

24 (1) IN GENERAL.—To comply with section 208
25 of title 18, United States Code, as added by sub-

1 section (a), a top official that owns, or is profiting
2 from, any patent for a vaccine or medical treatment
3 (or any right or interest in such a patent), may as-
4 sign grant, or convey ownership of the patent, or
5 any rights or interest in the patent, to another per-
6 son, not later than 6 months after the date of the
7 enactment of this Act.

8 (2) AFTER FEDERAL SERVICE.—In the case of
9 patent described under section 208(e)(1)(A) of title
10 18, United States Code, as added by subsection (a),
11 any rights or interest in the patent that are as-
12 signed, granted, or conveyed under paragraph (1),
13 may not be reassigned, to the top official after such
14 individual ceases to be a top official.

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