

118TH CONGRESS
1ST SESSION

S. 315

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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. MERKLEY (for himself, Mr. BRAUN, Mr. SANDERS, and Ms. WARREN) 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, 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 Contributions Knowledge Act of 2023” or the
6 “TRACK Act of 2023”.

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 of the Department of Health and Human Serv-
6 ices, the Director of the Biomedical Advanced Research
7 and Development Authority, the Secretary of Defense, the
8 Secretary of Veterans Affairs, the Director of the National
9 Institute of Allergy and Infectious Diseases, and such
10 other Federal officials as the Secretary of Health and
11 Human Services determines to be relevant, acting in co-
12 ordination, shall—

13 (1) compile into a searchable database informa-
14 tion relating to Federal support (before or after the
15 date of enactment of this Act) for biomedical re-
16 search and development; and

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

20 (b) COVERED INFORMATION.—The information relat-
21 ing to Federal support described in subsection (a)(1) in-
22 cludes all contracts, funding agreements, licensing ar-
23 rangements, other transactions, and other arrangements
24 entered into by, or on behalf of, the Federal Government
25 and tax benefits provided with respect to research and de-
26 velopment, and manufacturing, of a drug (including a bio-

1 logical product), cell or gene therapy, or medical device
2 intended to be manufactured, used, designed, developed,
3 modified, repurposed, licensed, or procured to diagnose,
4 mitigate, prevent, treat, or cure any disease or condition,
5 including the following:

6 (1) Licensing agreements pursuant to section
7 207 or 209 of title 35, United States Code.

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

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

14 (4) Transactions, contracts, grants, cooperative
15 agreements, other agreements, and other arrange-
16 ments entered into pursuant to the following stat-
17 utes:

18 (A) The Public Health Service Act (42
19 U.S.C. 201 et seq.), including sections 301,
20 319L, 421, and 480 of such Act (42 U.S.C.
21 241, 247d–7e, 285b–3, 287a).

22 (B) Section 105 of the National Institutes
23 of Health Reform Act of 2006 (42 U.S.C.
24 284n).

1 (C) Chapter 301 of title 10, United States
2 Code, including sections 4001, 4021, 4022,
3 4026, and 4023.

4 (5) Grants, contracts, and other transactions
5 pursuant to section 4021, 4022, or 4026 of title 10,
6 United States Code.

7 (6) Procurement contracts and other agree-
8 ments pursuant to section 4023 of title 10, United
9 States Code.

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

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

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

22 (3) Other Federal nonfinancial support, includ-
23 ing the use of Federal personnel, Federal facilities,
24 and Federal equipment.

25 (4) The grant number, if applicable.

1 (5) Associated clinical trial data, upon trial
2 completion.

3 (6) Associated patents and patent applications,
4 specifying—

5 (A) any Federal ownership in such patents
6 and patent applications;

7 (B) the expiration date of such patents
8 and filing dates of such patent applications; and

9 (C) the numbers of such patents and pat-
10 ent applications.

11 (7) Associated periods of marketing exclusivity
12 under Federal law and the durations of such peri-
13 ods.

14 (8) The corporation, nonprofit organization,
15 academic institution, person, or other entity receiv-
16 ing the Federal support.

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

22 (A) the names of such products;

23 (B) the prices of such products; and

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

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

4 (d) FORMAT OF INFORMATION.—The database under
5 subsection (a) shall be—

6 (1) searchable and filterable according to the
7 categories of information described in subsection (c);
8 and

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

10 (e) TIMING.—The database under subsection (a)
11 shall be—

12 (1) made publicly available not later than 1
13 month after the date of enactment of this Act; and

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

15 (f) DISCLOSURE.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, to the extent necessary for an offi-
18 cial described in subsection (a) to carry out this sec-
19 tion, such official may require entities receiving Fed-
20 eral support described in subsection (a)(1) to dis-
21 close to the official any information relating to such
22 Federal support and required to be included in the
23 database under subsection (a).

24 (2) INTERMEDIARY COOPERATION.—Any ar-
25 rangement entered into by the Federal Government

1 with an entity providing for such entity to enter into
2 contracts, licensing agreements, grants, other trans-
3 actions, or other arrangements with third parties on
4 behalf of the Federal Government shall require such
5 entity to disclose in a timely manner any informa-
6 tion necessary for the Federal Government to fulfill
7 its duties under this Act. With respect to any such
8 arrangement in place as of the date of enactment of
9 this Act, an official described in subsection (a) may
10 require the entity to disclose to the official any infor-
11 mation required to be included in the database
12 under subsection (a).

13 (3) PENALTY FOR NONDISCLOSURE.—If an en-
14 tity that is required to disclose information pursuant
15 to paragraph (1) or (2) fails to disclose such infor-
16 mation by the date that is 2 weeks after the date on
17 which the official requests such information, or by
18 such reasonable deadline as the official may specify,
19 whichever is sooner, then such entity shall be liable
20 to the United States for a civil penalty in an amount
21 not to exceed \$10,000 for each day on which such
22 failure continues.

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