

117TH CONGRESS
1ST SESSION

H. R. 4757

To authorize the use of certain drugs, vaccines, and medical technologies to expand military and civilian access to such products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2021

Mr. DOGGETT (for himself and Ms. DELAURO) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on the Judiciary, 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 authorize the use of certain drugs, vaccines, and medical technologies to expand military and civilian access to such products, 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 “Make Taxpayer-Fund-
5 ed Department of Defense Medical Interventions Afford-
6 able Act”.

1 **SEC. 2. AUTHORIZATION OF USE OF DRUGS, VACCINES,**
2 **AND MEDICAL TECHNOLOGIES TO EXPAND**
3 **MILITARY AND CIVILIAN ACCESS TO SUCH**
4 **PRODUCTS.**

5 (a) REPORT AND IDENTIFICATION OF PRODUCTS.—

6 Not later than one year after the date of the enactment
7 of this Act, the Secretary of Defense shall submit to the
8 Committees on Armed Services of the Senate and the
9 House of Representatives a report on the efforts of the
10 Secretary to comply with the paragraph titled “Licensing
11 of Federally owned medical interventions”, included on
12 page 173 of the report of the Committee on Armed Serv-
13 ices of the Senate accompanying S. 1519 of the 115th
14 Congress (S. Rept. 115–125), which shall include the fol-
15 lowing information:

16 (1) A description of what steps, if any, the Sec-
17 retary has taken to comply with such paragraph.

18 (2) A complete list of the drugs, vaccines, and
19 medical technologies that, as of the date of the en-
20 actment of this Act, meet the requirements outlined
21 in such paragraph.

22 (3) For each drug, vaccine, or medical tech-
23 nology identified under paragraph (2), a discussion
24 of the plans of the Secretary to utilize the authori-
25 ties of the Secretary under section 203 or 209(d)(1)
26 of title 35, United States Code, to authorize a third

1 party or Federal agency to use the drug, vaccine, or
2 medical technology.

3 (b) AUTHORIZATION OF USE.—Not later than one
4 year after the date of the enactment of this Act, the Sec-
5 retary, pursuant to section 203 or 209(d)(1) of title 35,
6 United States Code, shall authorize third parties or Fed-
7 eral agencies to use not fewer than 10 drugs, vaccines,
8 or medical technologies identified under subsection (a)(2)
9 for the purpose of expanding military and civilian access
10 to such drugs, vaccines, or technologies.

11 **SEC. 3. DEPARTMENT OF DEFENSE DATABASE ON SUPPORT**
12 **FOR BIOMEDICAL RESEARCH AND DEVELOP-**
13 **MENT.**

14 (a) DATABASE.—The Secretary of Defense shall—

15 (1) compile into a searchable database informa-
16 tion relating to any support provided before or after
17 the date of enactment of this Act by the Department
18 of Defense, or an entity acting on its behalf, for bio-
19 medical research and development, including with re-
20 spect to drugs, vaccines, and medical technologies;
21 and

22 (2) make such database available on a public
23 website of the Department.

24 (b) COVERED INFORMATION.—The information relat-
25 ing to support described in subsection (a)(1) shall include

1 all contracts, funding agreements, licensing arrangements,
2 other transactions, and other arrangements entered into
3 by, or on behalf of, the Department of Defense with re-
4 spect to the research and development, or the manufac-
5 turing and distribution, of a drug (including a biological
6 product), cell or gene therapy, or medical device or other
7 medical technology, including the following:

8 (1) Licensing agreements pursuant to section
9 207 or 209 of title 35, United States Code.

10 (2) Cooperative research and development
11 agreements and licensing agreements entered into
12 pursuant to section 12 of the Stevenson-Wydler
13 Technology Innovation Act of 1980 (15 U.S.C.
14 3710a).

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

17 (4) Transactions, contracts, grants, cooperative
18 agreements, other agreements, and other arrange-
19 ments entered into pursuant to the following au-
20 thorities:

21 (A) Section 2358 of title 10, United States
22 Code.

23 (B) Section 2371 of such title.

24 (C) Section 2371a of such title.

25 (D) Section 2371b of such title.

1 (E) Section 2373 of such title.

2 (c) INFORMATION REQUIRED.—Notwithstanding any
3 other provision of law, the Secretary shall include in the
4 database under subsection (a) at a minimum, with regard
5 to each contract, funding agreement, licensing agreement,
6 other transaction, or other arrangement, described in sub-
7 section (b), the following information:

8 (1) The element of the Department of Defense
9 providing the grant, cooperative agreement, or other
10 support.

11 (2) The amount and period of financial support
12 provided by the Department, with an itemized break-
13 down.

14 (3) Other nonfinancial support provided by the
15 Department, including the use of personnel, facili-
16 ties, or equipment of the Department.

17 (4) The grant number, if applicable.

18 (5) Associated clinical trial data, upon trial
19 completion.

20 (6) Associated patents and patent applications,
21 specifying—

22 (A) any Department ownership in such
23 patents and patent applications;

24 (B) the expiration date of such patents
25 and filing dates of such patent applications; and

1 (C) the numbers of such patents and pat-
2 ent applications.

3 (7) Associated periods of marketing exclusivity
4 under Federal law and the durations of such peri-
5 ods.

6 (8) The corporation, nonprofit organization,
7 academic institution, person, or other entity receiv-
8 ing the support provided by the Department.

9 (9) Any products (including repurposed prod-
10 ucts) approved, authorized, or cleared for marketing,
11 or for which marketing approval, authorization, or
12 clearance is being sought, the development of which
13 was aided by support provided by the Department,
14 including—

15 (A) the names of such products;

16 (B) the prices of such products; and

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

19 (10) The full terms of the contract, funding
20 agreement, licensing agreement, other transaction,
21 or other arrangement.

22 (d) FORMAT OF INFORMATION.—The database under
23 subsection (a) shall be—

1 (1) searchable and filterable according to the
2 categories of information described in subsection (c);
3 and

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

5 (e) TIMING.—The database under subsection (a)
6 shall be—

7 (1) made publicly available not later than 30
8 days after the date of enactment of this Act; and

9 (2) updated not less frequently than once every
10 two weeks.

11 (f) DISCLOSURE.—

12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law, to the extent necessary for the Sec-
14 retary to carry out this section, the Secretary may
15 require entities receiving support as described in
16 subsection (a)(1) to disclose to the Secretary any in-
17 formation relating to such support and required to
18 be included in the database under subsection (a).

19 (2) INTERMEDIARY COOPERATION.—Any ar-
20 rangement entered into by the Department of De-
21 fense with an entity providing for such entity to
22 enter into contracts, licensing agreements, grants,
23 other transactions, or other arrangements with third
24 parties on behalf of the Department shall require
25 such entity to disclose in a timely manner any infor-

1 mation necessary for the Secretary of Defense to ful-
2 fill the duties of the Secretary under this Act. With
3 respect to any such arrangement in place as of the
4 date of enactment of this Act, the Secretary may re-
5 quire the entity to disclose to the Secretary any in-
6 formation required to be included in the database
7 under subsection (a).

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

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