

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 3664

To require executive branch employees to report certain royalties, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. PAUL

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Royalty Transparency
5 Act”.

6 **SEC. 2. FINANCIAL DISCLOSURE REPORTS OF EXECUTIVE
7 BRANCH EMPLOYEES.**

8 (a) INDIVIDUALS REQUIRED TO FILE.—

9 (1) IN GENERAL.—Section 13103 of title 5,
10 United States Code, is amended—

11 (A) in subsection (f)—

1 (i) in paragraph (11), by striking “;
2 and” and inserting a semicolon;

3 (ii) in paragraph (12), by striking the
4 period and inserting “; and”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(13) any member of—

8 “(A) the National Science Advisory Board
9 for Biosecurity;

10 “(B) the Advisory Committee on Immuni-
11 zation Practices;

12 “(C) the Advisory Commission on Child-
13 hood Vaccines;

14 “(D) the National Vaccine Advisory Com-
15 mittee;

16 “(E) the Vaccines and Related Biological
17 Products Advisory Committee;

18 “(F) the Defense Science Board;

19 “(G) the Board of Scientific Advisors of
20 the National Cancer Institute;

21 “(H) the Homeland Security Science and
22 Technology Advisory Committee;

23 “(I) the Medical Review Board Advisory
24 Committee;

1 “(J) the President’s Council of Advisors on
2 Science and Technology; or

3 “(K) any other advisory committee, as de-
4 fined in section 1001, including a successor to
5 a committee described in this paragraph, that
6 the Government Accountability Office deter-
7 mines, in accordance with subsection (j)—

8 “(i) makes recommendations relating
9 to public health to an agency or the Presi-
10 dent; and

11 “(ii) has had any recommendation
12 fully or partially implemented during the
13 10 years preceding the determination.”;
14 and

15 (B) by adding at the end the following:

16 “(j) DETERMINATION REGARDING ADVISORY COM-
17 MITTEES.—Not later than 180 days after the date of en-
18 actment of the Royalty Transparency Act, and annually
19 thereafter, the Government Accountability Office shall
20 publish a list of each advisory committee that the Govern-
21 ment Accountability Office determines—

22 “(1) makes recommendations relating to public
23 health to an agency or the President; and

1 “(2) has had any recommendation fully or par-
2 tially implemented during the 10 years preceding the
3 determination.”.

4 (2) SUNSET.—Effective on the date that is 5
5 years after the date of enactment of this Act, section
6 13103 of title 5, United States Code, as amended by
7 this Act, is amended—

8 (A) in subsection (f)(13), by striking sub-
9 paragraph (K) and inserting the following:

10 “(K) a successor to a committee described
11 in subparagraphs (A) through (J) of this para-
12 graph.”; and

13 (B) by striking subsection (j).

14 (b) NOTIFICATION OF WAIVER.—

15 (1) TITLE 5.—Section 13103(i) of title 5,
16 United States Code, is amended—

17 (A) by redesignating paragraphs (1)
18 through (4) as subparagraphs (A) through (D),
19 respectively, and adjusting the margins accord-
20 ingly;

21 (B) in the matter preceding subparagraph
22 (A), as so redesignated, by striking “the super-
23 vising ethics office determines” and inserting
24 “the supervising ethics office—
25 “(1) determines”;

1 (C) in subparagraph (D), as so redesignated,
2 nated, by striking the period at the end and inserting
3 “; and”; and

4 (D) by adding at the end the following:

5 “(2) provides notification of such waiver to the
6 Committee on Homeland Security and Governmental
7 Affairs of the Senate and the Committee on Oversight
8 and Accountability of the House of Representatives.”.

9
10 (2) TITLE 18.—Section 208 of title 18, United
11 States Code, is amended by adding at the end the
12 following:

13 “(e) Any exemption—

14 “(1) granted under paragraph (1) or (3) of subsection
15 (b) shall be immediately reported to the
16 Committee on Homeland Security and Governmental
17 Affairs of the Senate and the Committee on Oversight
18 and Accountability of the House of Representatives,
19 including a detailed justification for granting
20 the waiver; or

21 “(2) granted under subpart (C) of part 2640 of
22 title 5 of the Code of Federal Regulations, or any
23 successor regulation, shall be immediately reported
24 to the Committee on Homeland Security and Governmental
25 Affairs of the Senate and the Committee

1 on Oversight and Accountability of the House of
2 Representatives, including a detailed justification for
3 granting the waiver.”.

4 (c) CONTENTS OF REPORTS.—Section 13104(a)(1) of
5 title 5, United States Code, is amended—

6 (1) in subparagraph (A), by inserting “, subject
7 to subparagraph (C)” after “employment by the
8 United States Government”; and

9 (2) by inserting after subparagraph (B) the fol-
10 lowing:

11 “(C) ROYALTIES RECEIVED BY GOVERN-
12 MENT EMPLOYEES AND COMMITTEE FILERS.—
13 Notwithstanding section 12(c) of the Stevenson-
14 Wydler Technology Innovation Act of 1980 (15
15 U.S.C. 3710a(e)) and section 209 of title 35, if
16 the reporting individual is an officer or em-
17 ployee in the executive branch (including a spe-
18 cial Government employee, as defined in section
19 202 of title 18), or an individual described in
20 section 13103(f)(13), the original source and
21 amount or value of any royalties received by the
22 reporting individual, the spouse of the reporting
23 individual, or a dependent child of the reporting
24 individual during the reporting period described
25 in subsection (d) or (e) of section 13103, as ap-

1 section 209 of title 35,” after “such report
2 shall”; and

3 (ii) by inserting “and, in the case of
4 an agency or office, published on the inter-
5 net website of the agency or office, as the
6 case may be,” after “made available for
7 public inspection”;

8 (2) by striking paragraph (2) and the matter
9 following paragraph (2);

10 (3) by redesignating paragraph (3) as para-
11 graph (2); and

12 (4) by adding at the end the following:

13 “(3) PROCEDURE FOR RELEASING REPORTS TO
14 MEMBERS OF CONGRESS.—Notwithstanding any
15 other provision of law, not later than 30 days after
16 receiving a request from a Member of Congress, any
17 agency or supervising ethics office in the executive
18 branch shall furnish to the Member of Congress a
19 copy of any report submitted under subsection (b),
20 which shall be unredacted, except with respect to so-
21 cial security numbers.”.

22 (e) CONFIDENTIAL REPORTS AND OTHER ADDI-
23 TIONAL REQUIREMENTS.—Section 13109 of title 5,
24 United States Code, is amended—

1 (1) by redesignating subsections (b) and (c) as
2 subsections (f) and (g), respectively; and

3 (2) by inserting after subsection (a) the fol-
4 lowing:

5 “(b) ROYALTIES RECEIVED BY CONFIDENTIAL FIL-
6 ERS.—Notwithstanding section 12(c) of the Stevenson-
7 Wydler Technology Innovation Act of 1980 (15 U.S.C.
8 3710a(c)) and section 209 of title 35, the information re-
9 quired to be reported under this section shall include the
10 original source and amount or value of any royalties re-
11 ceived by the reporting individual, or the spouse or any
12 dependent child of the reporting individual, that were re-
13 ceived as a result of an invention, including any royalty
14 interest payment made under the Federal Technology
15 Transfer Act of 1986 (Public Law 99–502; 100 Stat.
16 1785), an amendment made by such Act, or any other ap-
17 plicable authority.

18 “(c) PROCEDURE FOR RELEASING REPORTS TO
19 MEMBERS OF CONGRESS.—Notwithstanding any other
20 provision of law, not later than 30 days after receiving
21 a request from a Member of Congress, any agency or su-
22 pervising ethics office in the executive branch shall furnish
23 to the Member of Congress a copy of any report submitted
24 under subsection (a), which shall be unredacted, except
25 with respect to social security numbers, home addresses,

1 phone numbers, email addresses, and the personally iden-
2 tifiable information of dependents.

3 “(d) REPORTS.—Not later than 60 days after the
4 date of enactment of the Royalty Transparency Act, and
5 each year thereafter, the head of each agency shall submit
6 to the Committee on Homeland Security and Govern-
7 mental Affairs of the Senate and the Committee on Over-
8 sight and Accountability of the House of Representatives
9 a report relating to confidential financial disclosures of of-
10 ficers and employees under the jurisdiction of such agency
11 for the preceding fiscal year, which shall include—

12 “(1) the number of individuals who filed such
13 disclosures with the agency under this section, in-
14 cluding, if applicable, the subcomponent of the agen-
15 cy that has jurisdiction over the individual and the
16 reason for filing confidentially;

17 “(2) the number of special Government employ-
18 ees, as defined in section 202 of title 18, that are
19 required to file confidential financial disclosure re-
20 ports with the agency under this section; and

21 “(3) any additional information determined to
22 be relevant by the Director of the Office of Govern-
23 ment Ethics after consultation with the Committee
24 on Homeland Security and Governmental Affairs of

1 the Senate and the Committee on Oversight and Ac-
2 countability of the House of Representatives.

3 “(e) PUBLIC DISCLOSURE OF ROYALTIES RECEIVED
4 BY CERTAIN FEDERAL EMPLOYEES.—

5 “(1) DEFINITION.—For the purposes of this
6 subsection, the term ‘covered individual’ means an
7 individual who—

8 “(A) is required to file a confidential finan-
9 cial disclosure report under this section; and

10 “(B) reports receiving a royalty interest
11 under subsection (b).

12 “(2) REQUIREMENT.—Not later than 180 days
13 after the date of enactment of the Royalty Trans-
14 parency Act, and annually thereafter, each agency
15 shall publish a report on the internet website of the
16 agency, listing—

17 “(A) the names of all covered individuals;
18 and

19 “(B) the original source and amount or
20 value of any royalties reported under this sec-
21 tion by each covered individual.”.

22 **SEC. 3. PREVENTING ORGANIZATIONAL CONFLICTS OF IN-**
23 **TEREST IN FEDERAL ACQUISITION.**

24 (a) IN GENERAL.—The Federal Acquisition Regu-
25 latory Council and the Office of Management and Budget

1 shall, as appropriate, enact or update any regulation nec-
2 essary to ensure that conflict of interest reviews for pro-
3 spective contractors or grantees include reviews of royal-
4 ties paid to prospective contractors or grantees in the pre-
5 ceding calendar year.

6 (b) ONGOING REVIEWS.—Not later than 1 year after
7 the date of enactment of this Act, and each year there-
8 after, each agency conducting any conflict of interest re-
9 view described in subsection (a) shall report to the Com-
10 mittee on Homeland Security and Governmental Affairs
11 of the Senate and the Committee on Oversight and Ac-
12 countability of the House of Representatives on the num-
13 ber of identified cases of potential conflict of interest re-
14 lated to royalty payments and the steps taken to mitigate
15 those cases.

16 **SEC. 4. SEVERABILITY.**

17 If any provision of this Act, an amendment made by
18 this Act, or the application of such provision or amend-
19 ment to any person or circumstance is held to be unconsti-
20 tutional, the remainder of this Act and the amendments
21 made by this Act, and the application of the provision or
22 the amendment to any other person or circumstance, shall
23 not be affected.