

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. PAUL (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To require executive branch employees to report certain royalties, 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 “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—

- 1 (A) in subsection (f)—
- 2 (i) in paragraph (11), by striking “;
- 3 and” and inserting a semicolon;
- 4 (ii) in paragraph (12), by striking the
- 5 period and inserting “; and”; and
- 6 (iii) by adding at the end the fol-
- 7 lowing:
- 8 “(13) any member of—
- 9 “(A) the National Science Advisory Board
- 10 for Biosecurity;
- 11 “(B) the Advisory Committee on Immuni-
- 12 zation Practices;
- 13 “(C) the Advisory Commission on Child-
- 14 hood Vaccines;
- 15 “(D) the National Vaccine Advisory Com-
- 16 mittee;
- 17 “(E) the Vaccines and Related Biological
- 18 Products Advisory Committee;
- 19 “(F) the Defense Science Board;
- 20 “(G) the Board of Scientific Advisors of
- 21 the National Cancer Institute;
- 22 “(H) the Homeland Security Science and
- 23 Technology Advisory Committee;
- 24 “(I) the Medical Review Board Advisory
- 25 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 “(1) determines”;

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

5 (E) by adding at the end the following:

6 “(2) provides notification of such waiver to the
7 Committees on Homeland Security and Govern-
8 mental Affairs and Commerce, Science, and Trans-
9 portation of the Senate and the Committees on
10 Oversight and Government Reform and Energy and
11 Commerce of the House of Representatives.”.

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

15 “(e) Any exemption—

16 “(1) granted under paragraph (1) or (3) of sub-
17 section (b) shall be immediately reported to the
18 Committees on Homeland Security and Govern-
19 mental Affairs and Commerce, Science, and Trans-
20 portation of the Senate and the Committees on
21 Oversight and Government Reform and Energy and
22 Commerce of the House of Representatives, includ-
23 ing a detailed justification for granting the waiver;
24 or

1 “(2) granted under subpart (C) of part 2640 of
2 title 5 of the Code of Federal Regulations, or any
3 successor regulation, shall be immediately reported
4 to the Committees on Homeland Security and Gov-
5 ernmental Affairs and Commerce, Science, and
6 Transportation of the Senate and the Committees on
7 Oversight and Government Reform and Energy and
8 Commerce of the House of Representatives, includ-
9 ing a detailed justification for granting the waiver.”.

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

12 (1) in subparagraph (A), by inserting “, subject
13 to subparagraph (C)” after “employment by the
14 United States Government”; and

15 (2) by inserting after subparagraph (B) the fol-
16 lowing:

17 “(C) ROYALTIES RECEIVED BY GOVERN-
18 MENT EMPLOYEES AND COMMITTEE FILERS.—
19 Notwithstanding section 12(c) of the Stevenson-
20 Wydler Technology Innovation Act of 1980 (15
21 U.S.C. 3710a(c)) and section 209 of title 35, if
22 the reporting individual is an officer or em-
23 ployee in the executive branch (including a spe-
24 cial Government employee, as defined in section
25 202 of title 18), or an individual described in

1 section 13103(f)(13), the original source and
2 amount or value of any royalties received by the
3 reporting individual, the spouse of the reporting
4 individual, or a dependent child of the reporting
5 individual during the reporting period described
6 in subsection (d) or (e) of section 13103, as ap-
7 plicable, that were received as a result of an in-
8 vention developed by the reporting individual in
9 the course of employment of the reporting indi-
10 vidual with the United States Government, in-
11 cluding any royalty interest payment made
12 under the Federal Technology Transfer Act of
13 1986 (Public Law 99–502; 100 Stat. 1785), an
14 amendment made by such Act, or any other ap-
15 plicable authority.”.

16 (d) REVIEW OF REPORTS.—Section 13107(b) of title
17 5, United States Code, is amended—

18 (1) in paragraph (1)—

19 (A) in the first sentence, by inserting “and
20 shall, in the case of an agency or office and not-
21 withstanding section 12 of the Stevenson-
22 Wydler Technology Act of 1980 (15 U.S.C.
23 3710a) and section 209 of title 35, publish such
24 report on the internet website of the agency or

1 office, as the case may be” after “to any person
2 requesting such inspection or copy”; and

3 (B) in the second sentence—

4 (i) by inserting “, notwithstanding
5 section 12 of the Stevenson-Wydler Tech-
6 nology Act of 1980 (15 U.S.C. 3710a) and
7 section 209 of title 35,” after “such report
8 shall”; and

9 (ii) by inserting “and, in the case of
10 an agency or office, published on the inter-
11 net website of the agency or office, as the
12 case may be,” after “made available for
13 public inspection”;

14 (2) by striking paragraph (2) and the matter
15 following paragraph (2);

16 (3) by redesignating paragraph (3) as para-
17 graph (2); and

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

19 “(3) PROCEDURE FOR RELEASING REPORTS TO
20 MEMBERS OF CONGRESS.—Notwithstanding any
21 other provision of law, not later than 30 days after
22 receiving a request from a Member of Congress, any
23 agency or supervising ethics office in the executive
24 branch shall furnish to the Member of Congress a
25 copy of any report submitted under subsection (b),

1 which shall be unredacted, except with respect to so-
2 cial security numbers, dates of birth, home address-
3 es, rental property addresses, phone numbers, email
4 addresses, financial account numbers, signatures,
5 and the personally identifiable information of de-
6 pendent children.”.

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

10 (1) by redesignating subsections (b) and (c) as
11 subsection (f) and (g), respectively; and

12 (2) by inserting after subsection (a) the fol-
13 lowing:

14 “(b) ROYALTIES RECEIVED BY CONFIDENTIAL FIL-
15 ERS.—Notwithstanding section 12(c) of the Stevenson-
16 Wydler Technology Innovation Act of 1980 (15 U.S.C.
17 3710a(c)) and section 209 of title 35, the information re-
18 quired to be reported under this section shall include the
19 original source and amount or value of any royalties re-
20 ceived by the reporting individual, or the spouse or any
21 dependent child of the reporting individual, that were re-
22 ceived as a result of an invention, including any royalty
23 interest payment made under the Federal Technology
24 Transfer Act of 1986 (Public Law 99–502; 100 Stat.

1 1785), an amendment made by such Act, or any other ap-
2 plicable authority.

3 “(c) PROCEDURE FOR RELEASING REPORTS TO
4 MEMBERS OF CONGRESS.—Notwithstanding any other
5 provision of law, not later than 30 days after receiving
6 a request from a Member of Congress, any agency or su-
7 pervising ethics office in the executive branch shall furnish
8 to the Member of Congress a copy of any report submitted
9 under subsection (a), which shall be unredacted, except
10 with respect to social security numbers, dates of birth,
11 home addresses, rental property addresses, phone num-
12 bers, email addresses, financial account numbers, signa-
13 tures, and the personally identifiable information of de-
14 pendent children.

15 “(d) REPORTS.—Not later than 60 days after the
16 date of enactment of the Royalty Transparency Act, and
17 each year thereafter, the head of each agency shall submit
18 to the Committees on Homeland Security and Govern-
19 mental Affairs and Commerce, Science, and Transpor-
20 tation of the Senate and the Committees on Oversight and
21 Government Reform and Energy and Commerce of the
22 House of Representatives, and as to each agency within
23 the intelligence community (as that term is defined in sec-
24 tion 3 of the National Security Act of 1947 (50 U.S.C.
25 3003)), the head of each such agency shall also submit

1 to the Select Committee on Intelligence of the Senate and
2 the Permanent Select Committee on Intelligence of the
3 House of Representatives, a report relating to confidential
4 financial disclosures of officers and employees under the
5 jurisdiction of such agency for the preceding fiscal year,
6 which shall include—

7 “(1) the number of individuals who filed such
8 disclosures with the agency under this section, in-
9 cluding, if applicable, the subcomponent of the agen-
10 cy that has jurisdiction over the individual and the
11 reason for filing confidentially;

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

16 “(3) any additional information determined to
17 be relevant by the Director of the Office of Govern-
18 ment Ethics after consultation with the Committees
19 on Homeland Security and Governmental Affairs
20 and Commerce, Science, and Transportation of the
21 Senate and the Committees on Oversight and Gov-
22 ernment Reform and Energy and Commerce of the
23 House of Representatives.

24 “(e) PUBLIC DISCLOSURE OF ROYALTIES RECEIVED
25 BY CERTAIN FEDERAL EMPLOYEES.—

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

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

6 “(B) reports receiving a royalty interest
7 under subsection (b).

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

13 “(A) the names of all covered individuals;
14 and

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

18 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion, or any amendment made by this section, shall be con-
20 strued to limit the ability of an advisory committee, as
21 defined in section 1001 of title 5, United States Code, to
22 conduct work related to the function of the advisory com-
23 mittee.

1 **SEC. 3. PREVENTING ORGANIZATIONAL CONFLICTS OF IN-**
2 **TEREST IN FEDERAL ACQUISITION.**

3 (a) IN GENERAL.—The Federal Acquisition Regu-
4 latory Council and the Office of Management and Budget
5 shall, as appropriate, enact or update any regulation nec-
6 essary to ensure that conflict of interest reviews for pro-
7 spective contractors or grantees include reviews of royal-
8 ties paid to prospective contractors or grantees in the pre-
9 ceding calendar year.

10 (b) ONGOING REVIEWS.—Not later than 1 year after
11 the date of enactment of this Act, and each year there-
12 after, each agency conducting any conflict of interest re-
13 view described in subsection (a) shall report to the Com-
14 mittees on Homeland Security and Governmental Affairs
15 and Commerce, Science, and Transportation of the Senate
16 and the Committees on Oversight and Government Re-
17 form and Energy and Commerce of the House of Rep-
18 resentatives, and as to each agency within the intelligence
19 community (as that term is defined in section 3 of the
20 National Security Act of 1947 (50 U.S.C. 3003)), the
21 head of each such agency shall also report to the Select
22 Committee on Intelligence of the Senate and the Perma-
23 nent Select Committee on Intelligence of the House of
24 Representatives, on the number of identified cases of po-
25 tential conflict of interest related to royalty payments and
26 the steps taken to mitigate those cases.

1 **SEC. 4. SEVERABILITY.**

2 If any provision of this Act, an amendment made by
3 this Act, or the application of such provision or amend-
4 ment to any person or circumstance is held to be unconsti-
5 tutional, the remainder of this Act and the amendments
6 made by this Act, and the application of the provision or
7 the amendment to any other person or circumstance, shall
8 not be affected.