

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To establish certain conditions on employment and other work arrangements at the Food and Drug Administration to ensure the safety and security of drugs and devices.

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IN THE SENATE OF THE UNITED STATES

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Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To establish certain conditions on employment and other work arrangements at the Food and Drug Administration to ensure the safety and security of drugs and devices.

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 “American Medicine  
5       Safety and Security Act”.

1 **SEC. 2. CONDITIONS FOR FDA EMPLOYMENT AND OTHER**  
2 **WORK ARRANGEMENTS.**

3 (a) NATIONALS OF FOREIGN COUNTRIES OF CON-  
4 CERN.—No individual who is a national of a country of  
5 foreign concern shall be eligible for employment at, or for  
6 otherwise performing labor or services for remuneration  
7 for, the Food and Drug Administration.

8 (b) REPORTING BY CERTAIN EMPLOYEES AND  
9 OTHER WORKERS.—In the case of an employee of, or  
10 other individual performing labor or services for remuneration for, the Food and Drug Administration who has  
11 an immediate family member who is a national of a foreign  
12 country of concern, such employee or individual shall re-  
13 port such information, in accordance with a process estab-  
14 lished by the Commissioner of Food and Drugs. The Sec-  
15 retary of Health and Human Services shall immediately  
16 terminate the employment or agreement for labor or serv-  
17 ices for remuneration, as applicable, of any employee or  
18 other individual who fails to make a report required under  
19 this subsection.

21 (c) LIMITATION ON SUBSEQUENT EMPLOYMENT AND  
22 OTHER WORK.—

23 (1) IN GENERAL.—With respect to any indi-  
24 vidual who is employed by the Food and Drug Ad-  
25 ministration on or after the date of enactment of  
26 this Act, for the 10-year period immediately fol-

1       lowing such the period of employment at the Food  
2       and Drug Administration, such individual may not  
3       be employed by, nor enter into an agreement to per-  
4       form labor or services for remuneration or on a vol-  
5       unteer basis for, any entity based in a foreign coun-  
6       try of concern.

7               (2) CONTRACTUAL AGREEMENT.—

8               (A) EXISTING EMPLOYEES.—Effective on  
9       the date of enactment of this Act, each em-  
10      ployee of the Food and Drug Administration  
11      hired prior to such date of enactment, as a con-  
12      dition of maintaining such employment, shall  
13      agree to the limitation on subsequent employ-  
14      ment and other labor or services described in  
15      paragraph (1).

16              (B) NEW EMPLOYEES.—Beginning on the  
17      date of enactment of this Act, each employee of  
18      the Food and Drug Administration hired after  
19      such date of enactment, as a condition of such  
20      employment, shall agree to the limitation on  
21      subsequent employment and other labor or serv-  
22      ices described in paragraph (1).

23              (d) LIMITATION ON ACCESS TO DATA.—With respect  
24      to an employee of, or other individual performing labor  
25      or services for remuneration for, the Food and Drug Ad-

1 ministration who is engaged in the review of applications  
2 for the approval, clearance, licensure, or authorization of  
3 drugs or devices, such employee or other individual shall  
4 not have access to drug or device information held by any  
5 department, division, or office of the Food and Drug Ad-  
6 ministration other than the department, division, or office  
7 employing the employee, or otherwise engaging the indi-  
8 vidual in the performance of labor or services for remu-  
9 nation, if—

10 (1) any member of the employee's or individ-  
11 ual's immediate family is a national of a foreign  
12 country of concern; or

13 (2) the employee or individual previously  
14 worked, at any time, as an employee or other indi-  
15 vidual performing labor or services for remuneration  
16 or on a volunteer basis, at an entity based in a for-  
17 eign country of concern.

18 (e) DEFINITIONS.—For purposes of this section—

19 (1) the term “foreign country of concern”  
20 means the People's Republic of China, Russia, or  
21 Iran; and

22 (2) the term “immediate family”, with respect  
23 to an individual, means the mother, father, sibling,  
24 or child of the individual.