

109TH CONGRESS
1ST SESSION

H. R. _____

To amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BARTON of Texas introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title IV of the Public Health Service Act to revise and extend the authorities of the National Institutes of Health, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “[_____ Act of 2005]”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Organization of National Institutes of Health.
- Sec. 3. Authority of Director of NIH.
- Sec. 4. Authorization of appropriations.
- Sec. 5. Reports.
- Sec. 6. Certain demonstration projects.



Sec. 7. Foundation for the National Institutes of Health.

Sec. 8. Applicability.

1 **SEC. 2. ORGANIZATION OF NATIONAL INSTITUTES OF**
2 **HEALTH.**

3 (a) IN GENERAL.—Section 401 of the Public Health
4 Service Act (42 U.S.C. 281) is amended to read as follows:

5 **“SEC. 401. ORGANIZATION OF NATIONAL INSTITUTES OF**
6 **HEALTH.**

7 “(a) RELATION TO PUBLIC HEALTH SERVICE.—The
8 National Institutes of Health is an agency of the Service.

9 “(b) NATIONAL RESEARCH INSTITUTES WITH [MIS-
10 SION-SPECIFIC] RESPONSIBILITIES.—The following agen-
11 cies of the National Institutes of Health are national re-
12 search institutes with [mission-specific] responsibilities:

13 “(1) The National Cancer Institute.

14 “(2) The National Heart, Lung, and Blood In-
15 stitute.

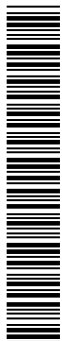
16 “(3) The National Institute of Diabetes and Di-
17 gestive and Kidney Diseases.

18 “(4) The National Institute of Arthritis and
19 Musculoskeletal and Skin Diseases.

20 “(5) The National Institute on Aging.

21 “(6) The National Institute of Allergy and In-
22 fectionous Diseases.

23 “(7) The National Institute of Child Health
24 and Human Development.



1 “(8) The National Institute of Dental and
2 Craniofacial Research.

3 “(9) The National Eye Institute.

4 “(10) The National Institute of Neurological
5 Disorders and Stroke.

6 “(11) The National Institute on Deafness and
7 Other Communication Disorders.

8 “(12) The National Institute on Alcohol Abuse
9 and Alcoholism.

10 “(13) The National Institute on Drug Abuse.

11 “(14) The National Institute of Mental Health.

12 “(c) NATIONAL RESEARCH INSTITUTES AND CEN-
13 TERS WITH [SCIENCE-ENABLING]RESPONSIBILITIES.—
14 The following agencies of the National Institutes of Health
15 are national research institutes or national centers with
16 [science-enabling] responsibilities:

17 “(1) The National Institute of General Medical
18 Sciences.

19 “(2) The National Institute of Environmental
20 Health Sciences.

21 “(3) The National Institute of Nursing Re-
22 search.

23 “(4) The National Institute of Biomedical Im-
24 aging and Bioengineering.



1 “(5) The National Human Genome Research
2 Institute.

3 “(6) The National Library of Medicine.

4 “(7) The National Center for Research Re-
5 sources.

6 “(8) The John E. Fogarty International Center
7 for Advanced Study in the Health Sciences.

8 “(9) The National Center for Complementary
9 and Alternative Medicine.

10 “(10) The National Center on Minority Health
11 and Health Disparities.

12 “(d) DIVISION OF PROGRAM COORDINATION, PLAN-
13 NING, AND STRATEGIC INITIATIVES.—

14 “(1) IN GENERAL.—Within the Office of the
15 Director of the National Institutes of Health, there
16 shall be a Division of Program Coordination, Plan-
17 ning, and Strategic Initiatives (referred to in this
18 subsection as the ‘Division’).

19 “(2) OFFICES WITHIN DIVISION.—

20 “(A) OFFICES.—The following offices are
21 within the Division: The Office of AIDS Re-
22 search, the Office of Research on Women’s
23 Health, the Office for Behavioral and Social
24 Sciences Research, the Office of Disease Pre-
25 vention, the Office of Dietary Supplements, the



1 Office of Rare Diseases, and any other office lo-
2 cated within the Office of the Director of NIH
3 as of the day before the date of the enactment
4 of the [bill short title]. In addition to such of-
5 fices, the Director of NIH may establish within
6 the Division such additional offices or other ad-
7 ministrative units as the Director determines to
8 be appropriate.

9 “(B) DUTIES.—Each office in the
10 Division—

11 “(i) shall continue to carry out the
12 duties that were in effect for the office be-
13 fore the date of enactment referred to in
14 subparagraph (A); and

15 “(ii) shall, as determined appropriate
16 by the Director of NIH, support the Divi-
17 sion with respect to the duties described in
18 section 402(b)(7).

19 “(e) ORGANIZATION.—

20 “(1) NUMBER OF INSTITUTES AND CENTERS.—

21 In the National Institutes of Health, the number of
22 national research institutes with [mission-specific]
23 responsibilities may not exceed 14, and the number
24 of national research institutes and national centers
25 with [science-enabling] responsibilities may not ex-



1 ceed a total of 10, including any such institutes or
2 centers established under authority of paragraph (2)
3 or under authority of this section as in effect on the
4 day before the date of the enactment of the [bill
5 short title].

6 “(2) REORGANIZATION OF INSTITUTES AND
7 CENTERS.—

8 “(A) IN GENERAL.—Notwithstanding sub-
9 sections (b) and (c), and subject to paragraph
10 (1), the Director of NIH may, with the ap-
11 proval of the Secretary, reorganize the national
12 research institutes and the national centers, in-
13 cluding the addition, removal, or transfer of
14 functions of such institutes and centers, and
15 the establishment or termination of such insti-
16 tutes and centers, if the Director determines
17 that the overall mission of the National Insti-
18 tutes of Health, or the management and oper-
19 ation of programs and activities conducted or
20 supported by the National Institutes of Health,
21 would be more efficiently carried out under
22 such a reorganization.

23 “(B) ADMINISTRATIVE UNIT.—For pur-
24 poses of paragraph (1), an administrative unit
25 within the National Institutes of Health that is



1 established under authority of subparagraph
2 (A) shall be considered a national research in-
3 stitute or a national center, without regard to
4 whether the administrative unit is designated
5 by the Director of NIH as such an institute or
6 center, if the unit has [mission-specific] respon-
7 sibilities or [science-enabling] responsibilities
8 and the unit is not established within the Office
9 of such Director.

10 “(C) DESIGNATION.—In establishing an
11 agency under subparagraph (A), the Director of
12 NIH shall designate the agency as a national
13 research institute with [mission-specific] re-
14 sponsibilities, or as a national research institute
15 or national center with [science-enabling] re-
16 sponsibilities.

17 “(D) PUBLIC PROCESS.—Any reorganiza-
18 tion under subparagraph (A) shall be carried
19 out by regulation in accordance with the proce-
20 dures for substantive rules under section 553 of
21 title 5, United States Code.

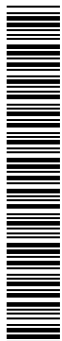
22 “(E) NOTICE TO CONGRESS; EFFECTIVE
23 DATE.—A reorganization under subparagraph
24 (A) may not take effect before the expiration of
25 90 days after the Secretary submits to the



1 Committee on Energy and Commerce in the
2 House of Representatives and the Committee
3 on Health, Education, Labor, and Pensions in
4 the Senate written notice of the reorganization.

5 “(3) REORGANIZATION OF OFFICE OF DIREC-
6 TOR.—Notwithstanding subsection (d), the Director
7 of NIH may, after a series of public hearings, and
8 with the approval of the Secretary, reorganize the
9 offices within the Office of the Director, including
10 the addition, removal, or transfer of functions of
11 such offices, and the establishment or termination of
12 such offices, if the Director determines that the
13 overall management and operation of programs and
14 activities conducted or supported by such offices
15 would be more efficiently carried out under such a
16 reorganization.

17 “(4) INTERNAL REORGANIZATION OF INSTI-
18 TUTES AND CENTERS.—The director of a national
19 research institute or a national center may, after a
20 series of public hearings, and with the approval of
21 the Director of NIH, reorganize the divisions, cen-
22 ters, or other administrative units within such insti-
23 tute or center, including the addition, removal, or
24 transfer of functions of such units, and the estab-
25 lishment or termination of such units, if the director



1 of such institute or center determines that the over-
2 all management and operation of programs and ac-
3 tivities conducted or supported by such divisions,
4 centers, or other units would be more efficiently car-
5 ried out under such a reorganization.

6 “(f) DEFINITIONS.—For purposes of this title:

7 “(1) The term ‘Director of NIH’ means the Di-
8 rector of the National Institutes of Health.

9 “(2) The term ‘[mission-specific] responsibil-
10 ities’, with respect to a national research institute,
11 means responsibilities that—

12 “(A) are for research, training, health in-
13 formation dissemination, and other programs
14 with respect to a particular organ or physio-
15 logical system, or the cause, diagnosis, preven-
16 tion, treatment, and control of particular dis-
17 eases, disorders, or other adverse health condi-
18 tions; and

19 “(B) are established in this title for the in-
20 stitute.

21 “(3) The terms ‘national research institute’ and
22 ‘national center’ mean a national research institute
23 and a national center, respectively, of the National
24 Institutes of Health that are—

25 “(A) listed in subsection (b) or (c); or



1 “(B) designated by the Director of NIH as
2 such an institute or center under a reorganiza-
3 tion under subsection (e)(2)(A).

4 “(4) The term ‘[science-enabling] responsibil-
5 ities’, with respect to a national research institute or
6 a national center, means responsibilities that—

7 “(A) concern technologies, techniques,
8 methodologies, or other means that assist in
9 treating, diagnosing, or preventing diseases, dis-
10 orders, or other adverse health conditions, or
11 that assist in conducting research on such mat-
12 ters, or that concern any other aspect of human
13 health, but are not primarily concerned with
14 particular diseases, disorders, or other adverse
15 health conditions; and

16 “(B) are established in this title for the in-
17 stitute or center.

18 “(g) REFERENCES TO NIH.—For purposes of this
19 title, a reference to the National Institutes of Health in-
20 cludes its agencies.”.

21 (b) CONFORMING AMENDMENTS.—Title IV of the
22 Public Health Service Act (42 U.S.C. 281 et seq.) is
23 amended—

24 (1) by redesignating subpart 3 of part E as
25 subpart 19;



1 (2) by transferring subpart 19, as so redesignig-
2 nated, to part C of such title IV;

3 (3) by inserting subpart 19, as so redesignated,
4 after subpart 18 of such such part C; and

5 (4) in subpart 19, as so redesignated—

6 (A) by redesignating section 485B as sec-
7 tion 464z-1;

8 (B) by striking “National Center for
9 Human Genome Research” each place such
10 term appears and inserting “National Human
11 Genome Research Institute”; and

12 (C) by striking “Center” each place such
13 term appears and inserting “Institute”.

14 **SEC. 3. AUTHORITY OF DIRECTOR OF NIH.**

15 (a) IN GENERAL.—Section 402(b) of the Public
16 Health Service Act (42 U.S.C. 282(b)) is amended—

17 (1) by redesignating paragraph (14) as para-
18 graph (21);

19 (2) by striking paragraphs (12) and (13);

20 (3) by redesignating paragraphs (4) through
21 (11) as paragraphs (11) through (20);

22 (4) in paragraph (20) (as so redesignated), by
23 inserting “and” after the semicolon at the end;



1 (5) in the matter after and below paragraph
2 (20) (as so redesignated), by striking “paragraph
3 (6)” and inserting “paragraph (15)”; and

4 (6) by striking paragraphs (1) through (3) and
5 inserting the following paragraphs:

6 “(1) shall be responsible for the overall direc-
7 tion of the National Institutes of Health and for the
8 establishment and implementation of general policies
9 respecting the management and operation of pro-
10 grams and activities within the National Institutes
11 of Health;

12 “(2) shall coordinate and oversee the operation
13 of the national research institutes, national centers,
14 and administrative entities within the National Insti-
15 tutes of Health;

16 “(3) shall be responsible for program coordina-
17 tion across the national research institutes and na-
18 tional centers, including conducting priority-setting
19 reviews, to ensure that the research portfolio of the
20 National Institutes of Health is balanced and free of
21 unnecessary, duplicative research, and takes advan-
22 tage of collaborative, cross-cutting research;

23 “(4) shall assemble accurate data to be used to
24 assess research priorities, including information to



1 better evaluate scientific opportunity and public
2 health burdens;

3 “(5) shall ensure that scientifically based stra-
4 tegic planning is implemented in support of research
5 priorities as determined by the agencies of the Na-
6 tional Institutes of Health;

7 “(6) shall ensure that the resources of the Na-
8 tional Institutes of Health are sufficiently allocated
9 for research projects identified in strategic plans;

10 “(7)(A) shall, through the Division of Program
11 Coordination, Planning, and Strategic Initiatives—

12 “(i) identify research that represents im-
13 portant areas of emerging scientific opportuni-
14 ties, rising public health challenges, or knowl-
15 edge gaps that would benefit from additional
16 research where such research involves the re-
17 sponsibilities of more than one national re-
18 search institute or national center, or would
19 otherwise benefit from strategic coordination
20 and planning;

21 “(ii) establish timeframes for completion of
22 such research; and

23 “(iii) include information on such research
24 in reports under section 403;



1 “(B) may, with respect to funds reserved under
2 section 402A(b)(1), allocate such funds to the na-
3 tional research institutes and national centers for
4 conducting and supporting research that is identified
5 under subparagraph (A); and

6 “(C) may assign additional functions to the Di-
7 vision in support of responsibilities identified in sub-
8 paragraph (A), as determined appropriate by the Di-
9 rector;

10 “(8) shall ensure that research conducted or
11 supported by the National Institutes of Health is
12 subject to review in accordance with section 492,
13 and that, after such review, the research is reviewed
14 in accordance with section 492A(a)(2) by the appro-
15 priate advisory council under section 406 before the
16 research proposals are approved for funding;

17 “(9) shall approve the establishment of all cen-
18 ters of excellence recommended by the national re-
19 search institutes, other than centers recognized
20 under section 414;

21 “(10) shall oversee research training for all of
22 the national research institutes and National Re-
23 search Service Awards in accordance with section
24 487;



1 “(11) may, from funds appropriated under sec-
2 tion 402A(a)(1), reserve funds to provide for re-
3 search on matters that have not received significant
4 funding relative to other matters, to respond to new
5 issues and scientific emergencies, and to act on re-
6 search opportunities of high priority;

7 “(12) [may collect and retain registration fees
8 obtained from third parties to defray expenses for
9 scientific, educational, and research-related con-
10 ferences;]”.

11 (b) CERTAIN AUTHORITIES.—Section 402 of the
12 Public Health Service Act (42 U.S.C. 282) is amended
13 by striking subsections (i) and (l).

14 (c) CERTAIN EMPLOYMENT AUTHORITIES.—Section
15 402 of the Public Health Service Act, as amended by sub-
16 section (b) of this section, is amended—

17 (1) by redesignating subsections (d) through (h)
18 as subsections (e) through (i), respectively; and

19 (2) by inserting after subsection (c) the fol-
20 lowing subsection:

21 “(d) [Officers and employees may, under sections
22 5376 and 5377 of title 5, United States Code, be ap-
23 pointed under this title to manage, supervise, assist, and
24 advise in the operations of the National Institutes of
25 Health.]”.



1 (d) ADVISORY COUNCIL FOR DIRECTOR OF NIH.—
2 Section 402 of the Public Health Service Act, as amended
3 by subsection (b) of this section, is amended by adding
4 after subsection (k) the following subsection:

5 “(l) [*Appointment and membership to be determined.*]
6 There shall be appointed an advisory council within the
7 Office of the Director for the purpose of advising the Di-
8 rector on matters related to the policies and activities of
9 the Division of Program Coordination, Planning, and
10 Strategic Initiatives, including making recommendations
11 with respect to the conduct and support of research under
12 subsection (b)(7).”.

13 (e) REVIEW BY ADVISORY COUNCILS OF RESEARCH
14 PROPOSALS.—Section 492A(a)(2) of the Public Health
15 Service Act (42 U.S.C. 289a–1(a)(2)) is amended by in-
16 serting before the period the following: “, and unless a
17 majority of the voting members of the appropriate advi-
18 sory council under section 406, or as applicable, of the
19 advisory council under section 402(l), has recommended
20 the proposal for approval”.

21 (f) CONFORMING AMENDMENT.—Section 402(a) of
22 the Public Health Service Act (42 U.S.C. 282(a)) is
23 amended in the matter preceding paragraph (1) by strik-
24 ing “Director of the National Institutes of Health” and



1 all that follows through “who shall” and inserting “Direc-
2 tor of NIH who shall”.

3 (g) **RULE OF CONSTRUCTION REGARDING AUTHORI-**
4 **TIES OF NATIONAL RESEARCH INSTITUTES AND NA-**
5 **TIONAL CENTERS.**—This Act and the amendments made
6 by this Act may not be construed as affecting the authori-
7 ties of the national research institutes and national centers
8 that were in effect under the Public Health Service Act
9 on the day before the date of the enactment of this Act,
10 subject to the authorities of the Director of NIH under
11 section 401 of the Public Health Service Act (as amended
12 by section 2(a) of this Act). For purposes of the preceding
13 sentence, the terms “national research institute”, “na-
14 tional center”, and “Director of NIH” have the meanings
15 given such terms in such section 401.

16 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) **FUNDING.**—Title IV of the Public Health Service
18 Act (42 U.S.C. 281 et seq.) is amended by inserting after
19 section 402 the following:

20 **“SEC. 402A. AUTHORIZATION OF APPROPRIATIONS.**

21 “(a) **IN GENERAL.**—For the purpose of carrying out
22 this title, there are authorized to be appropriated the fol-
23 lowing amounts:



1 “(1) For the Office of the Director of NIH,
2 [\$_____] for fiscal year 2007, [\$_____] for fiscal
3 year 2008, and [\$_____] for fiscal year 2009.

4 “(2) For the national research institutes with
5 [mission-specific] responsibilities, [\$_____] for fis-
6 cal year 2007, [\$_____] for fiscal year 2008, and
7 [\$_____] for fiscal year 2009. [*Process for indi-*
8 *vidual Institute and Center funding distribution to be*
9 *determined.*]

10 “(3) For the national research institutes and
11 national centers with [science-enabling] responsibil-
12 ities, [\$_____] for fiscal year 2007, [\$_____] for
13 fiscal year 2008, and [\$_____] for fiscal year
14 2009. [*Process for individual Institute and Center*
15 *funding distribution to be determined.*]

16 [“(b) COMMON FUND FOR TRANS-NIH RE-
17 SEARCH.—

18 [“(1) ANNUAL RESERVATION OF AMOUNTS.—Of
19 the total amount appropriated under paragraphs (2)
20 and (3) of subsection (a) for a fiscal year (beginning
21 with fiscal year 2007), the Director of NIH shall re-
22 serve the applicable percentage under paragraph (2)
23 for allocations under section 402(b)(7)(B) (relating
24 to research identified by the Division of Program
25 Coordination, Planning, and Strategic Initiatives).



1 With respect to appropriations Acts that provide
2 amounts for the National Institutes of Health, the
3 Director may, in making the reservation for a fiscal
4 year, reallocate amounts between accounts in such
5 amounts as the Director determines to be appro-
6 priate (subject to such applicable percentage).

7 [“(2) AMOUNT OF RESERVATION.—The per-
8 centage reserved by the Director of NIH under
9 paragraph (1) shall be [____] for fiscal year 2007,
10 shall be [____] for fiscal year 2008, and shall be
11 [____ percent] for fiscal year 2009 and each subse-
12 quent fiscal year. Amount reserved under the pre-
13 ceding sentence are available until expended.

14 [“(c) TRANSFER AUTHORITY.—Of the total amount
15 appropriated under subsection (a) for a fiscal year, the
16 Director of NIH may (in addition to the reservation under
17 subsection (b) for such year) transfer not more than [____
18 percent] for programs or activities that are authorized in
19 this title and identified by the Director to receive funds
20 pursuant to this subsection. With respect to appropria-
21 tions Acts that provide amounts for the National Insti-
22 tutes of Health, the Director may under the preceding sen-
23 tence transfer amounts between accounts in such amounts
24 as the Director determines to be appropriate (subject to
25 such percentage), except that such transfers may not re-



1 sult in any agency of the National Institutes receiving
2 funds for a fiscal year in an amount less than the agency
3 received for fiscal year 2006. A transfer under this sub-
4 section is subject to the approval of the advisory council
5 under section 402(1).]

6 “(d) RULE OF CONSTRUCTION.—This section may
7 not be construed as affecting the authorities of the Direc-
8 tor of NIH under section 401.”.

9 (b) ELIMINATION OF AUTHORIZATIONS OF APPRO-
10 PRIATIONS.—Title IV of the Public Health Service Act (42
11 U.S.C. 281 et seq.) is amended—

12 (1) in section 402(i)—

13 (A) in paragraph (1), by striking “under
14 paragraph (3)”; and

15 (B) by striking paragraph (3);

16 (2) by striking the first sentence of paragraph
17 (5) of section 402(j);

18 (3) by striking subsection (e) of section 403A;

19 (4) by striking subsection (c) of section 404B;

20 (5) by striking subsection (h) of section 404E;

21 (6) by striking subsection (d) of section 404F;

22 (7) by striking subsection (e) of section 404G;

23 (8) by striking subsection (d) of section 409A;

24 (9) in section 409B—



1 (A) in subsection (a), by striking “under
2 subsection (e)” and inserting “to carry out this
3 section”; and

4 (B) by striking subsection (e);
5 (10) by striking subsection (e) of section 409C;
6 (11) in section 409D—

7 (A) by striking subsection (d); and

8 (B) by redesignating subsection (f) as sub-
9 section (d);

10 (12) by striking subsection (e) of section 409E;

11 (13) by striking subsection (e) of section 409F;

12 (14) in section 409H, by striking—

13 (A) paragraph (3) of subsection (a);

14 (B) paragraph (3) of subsection (b);

15 (C) paragraph (5) of subsection (c); and

16 (D) paragraph (4) of subsection (d);

17 (15) by striking subsection (d) of section 409I;

18 (16) by striking section 417B;

19 (17) by striking subsection (g) of section 417C;

20 (18) in section 417D, by striking—

21 (A) paragraph (3) of subsection (a); and

22 (B) paragraph (3) of subsection (b);

23 (19) by striking subsection (d) of section 424A;

24 (20) by striking subsection (c) of section 424B;

25 (21) by striking section 425;



- 1 (22) by striking subsection (d) of section 434A;
- 2 (23) by striking subsection (d) of section 441A;
- 3 (24) by striking subsection (c) of section 442A;
- 4 (25) in section 445H—
- 5 (A) by striking subsection (b); and
- 6 (B) in subsection (a), by striking “(a)”;
- 7 (26) by striking section 445J;
- 8 (27) in section 447A—
- 9 (A) by striking subsection (b); and
- 10 (B) in subsection (a), by striking “(a)”;
- 11 (28) by striking subsection (d) of section 447B;
- 12 (29) by striking subsection (g) in section 452A;
- 13 (30) by striking paragraph (7) in section
- 14 452E(b);
- 15 (31) in section 452G—
- 16 (A) by striking subsection (b); and
- 17 (B) in subsection (a), by striking “(a) EN-
- 18 HANCED SUPPORT.—”;
- 19 (32) by striking subsection (d) of section 464H;
- 20 (33) by striking subsection (d) of section 464L;
- 21 (34) by striking paragraph (4) of section
- 22 464N(c);
- 23 (35) by striking subsection (e) of section 464P;
- 24 (36) by striking subsection (f) of section 464R;
- 25 (37) by striking subsection (d) of section 464z;



1 (38) in section 467—

2 (A) by striking the first sentence; and

3 (B) by striking “for such buildings and fa-
4 cilities” and inserting “for suitable and ade-
5 quate buildings and facilities for use of the Li-
6 brary”; and

7 (C) by striking “The amounts authorized
8 to be appropriated by this section include” and
9 inserting “Amounts appropriated to carry out
10 this section may be used for”;

11 (39) by striking section 468;

12 (40) in section 481A—

13 (A) in the matter preceding subparagraph
14 (A) of subsection (e)(2)—

15 (i) by striking the term “under sub-
16 section (i)(1)” and inserting “to carry out
17 this section”; and

18 (ii) by striking “under such sub-
19 section” and inserting “to carry out this
20 section”; and

21 (B) by striking subsection (i);

22 (41) in subsection (a) of section 481B, by strik-
23 ing “under section 481A(h)” and inserting “to carry
24 out section 481A”;

25 (42) by striking subsection (e) in section 481C;



1 (43) by striking subsection (e) in section 485C;
2 (44) by striking subsection (l) in section 485E;
3 (45) by striking subsection (h) in section 485F;
4 (46) by striking subsection (e) in section 485G;
5 (47) by striking subsection (d) of section 487;
6 (48) by striking subsection (c) of section 487A;
7 (49) by striking subsection (c) in the section
8 487F that relates to a loan repayment program re-
9 garding clinical researchers; and
10 (50) by striking subsection (l) of section 499.

11 **SEC. 5. REPORTS.**

12 (a) REPORT OF DIRECTOR OF NIH.—Title IV of the
13 Public Health Service Act (42 U.S.C. 281 et seq.), as
14 amended by section 4(a) of this Act, is amended by strik-
15 ing section 403 and inserting the following sections:

16 **“SEC. 402B. ELECTRONIC CODING OF GRANTS AND ACTIVI-**
17 **TIES.**

18 “The Director of NIH shall establish an electronic
19 system to uniformly code research grants and activities of
20 the Office of the Director and of all the national research
21 institutes and national centers. The electronic system shall
22 be searchable by a variety of codes, such as the type of
23 research grant, the research entity managing the grant,
24 and the public health area of interest. When permissible,
25 the Director of NIH shall provide information on relevant



1 literature and patents that are associated with research
2 activities of the National Institutes of Health.

3 **“SEC. 403. BIENNIAL REPORTS OF DIRECTOR OF NIH.**

4 “(a) IN GENERAL.—The Director of NIH shall bien-
5 nially submit to the Congress a report in accordance with
6 this section. The first report shall be submitted not later
7 than [____ days] after the date of the enactment of the
8 [bill short title]. Each such report shall include the fol-
9 lowing information:

10 “(1) An assessment of the state of biomedical
11 research.

12 “(2) A description of the activities conducted or
13 supported by the agencies of the National Institutes
14 of Health and policies respecting the programs of
15 such agencies.

16 “(3) Classification and justification for the pri-
17 orities established by the agencies, including a stra-
18 tegic plan and recommendations for future research
19 initiatives to be carried out under section 402(b)(7)
20 through the Division of Program Coordination,
21 Planning, and Strategic Initiatives.

22 “(4) A catalogue of all the research activities of
23 the agencies, prepared in accordance with the fol-
24 lowing:



1 “(A) The catalogue shall, for each such
2 activity—

3 “(i) identify the agency or agencies in-
4 volved; and

5 “(ii) state whether the activity was
6 carried out directly by the agencies or was
7 supported by the agencies and describe to
8 what extent the agency was involved.

9 “(B) In the case of clinical research, the
10 catalogue shall, as appropriate, identify study
11 populations by demographic variables and other
12 variables that contribute to research on health
13 disparities.

14 “(C) Research activities listed in the cata-
15 logue shall include the following:

16 “(i) Epidemiological studies and longi-
17 tudinal studies.

18 “(ii) Disease registries, information
19 clearing houses, and other data systems.

20 “(iii) Public education and informa-
21 tion campaigns.

22 “(iv) Training activities, including
23 National Research Service Awards.

24 “(v) Clinical trials, including a break-
25 down of participation by study populations



1 and demographic variables and compliance
2 information.

3 “(vi) Translational research activities
4 with other agencies of the Public Health
5 Service.

6 “(5) A summary of the research activities
7 throughout the agencies, which summary shall be or-
8 ganized by the following categories:

9 “(A) Cancer.

10 “(B) Neurosciences.

11 “(C) Life stages and human development.

12 “(D) Organ systems and autoimmune dis-
13 eases.

14 “(E) Genomics.

15 “(F) Molecular biology and basic science.

16 “(G) Technology development.

17 “(H) Chronic diseases, including pain and
18 palliative care.

19 “(I) Infectious diseases and bioterrorism.

20 “(J) Such additional categories as the Di-
21 rector determines to be appropriate.

22 “(b) REQUIREMENT REGARDING [MISSION-SPECIFIC]
23 RESEARCH ACTIVITIES.—In a report under subsection
24 (a), the Director of NIH, when reporting on [mission-spe-
25 cific] research activities, shall—



1 “(1) present information in a standardized for-
2 mat;

3 “(2) identify the actual dollar amounts obli-
4 gated for such activities; and

5 “(3) include plans for research on specific dis-
6 eases, disorders, and other adverse health conditions,
7 including statements of objectives regarding the re-
8 search, the means for achieving the objectives, a
9 date by which the objectives are expected to be
10 achieved, and justifications for revisions to the
11 plans.

12 “(c) ADDITIONAL REPORTS.—In addition to reports
13 required by subsections (a) and (b), the Director of NIH
14 may submit to the Congress such additional reports as the
15 Director determines to be appropriate.”.

16 (b) STRIKING OF OTHER REPORTING REQUIRE-
17 MENTS FOR NIH.—

18 (1) PUBLIC HEALTH SERVICE ACT; TITLE IV.—
19 Title IV of the Public Health Service Act, as amend-
20 ed by section 4(b) of this Act, is amended—

21 (A) in section 404E(b)—

22 (i) [by amending paragraph (3) to
23 read as follows]:

24 “(3) COORDINATION OF CENTERS.—The Direc-
25 tor of NIH shall, as appropriate, provide for the co-



1 ordination of information among centers under para-
2 graph (1) and ensure regular communication be-
3 tween such centers.”;

4 (ii) by striking subsection (f) and re-
5 designating subsection (g) as subsection
6 (f);

7 (B) in section 404F(b)(1), by striking sub-
8 paragraphs (F) and (G);

9 (C) by striking section 407;

10 (D) in section 409C(b), by striking para-
11 graph (4) and redesignating paragraphs (5) and
12 (6) as paragraphs (4) and (5), respectively;

13 (E) in section 409E, by striking subsection
14 (d);

15 (F) in section 417C, by striking subsection
16 (f);

17 (G) in section 424B(a)—

18 (i) in paragraph (1), by adding “and”
19 after the semicolon at the end;

20 (ii) in paragraph (2), by striking “;
21 and” and inserting a period; and

22 (iii) by striking paragraph (3);

23 (H) in section 429, by striking subsections
24 (c) [and (d)];



1 (I) in section 442, by striking subsection
2 (j) and redesignating subsection (k) as sub-
3 section (j);

4 (J) in section 464D, by striking sub-
5 sections (j) [and (k)];

6 (K) in section 464E, by striking subsection
7 (e);

8 (L) in section 464T, by striking subsection
9 (e);

10 (M) in section 481A, by striking subsection
11 (h);

12 (N) in section 485E, by striking subsection
13 (k);

14 (O) in section 485H—

15 (i) by striking “(a)” and all that fol-
16 lows through “The Secretary,” and insert-
17 ing “The Secretary,”; and

18 (ii) by striking subsection (b); and

19 (P) in section 494—

20 (i) by striking “(a) If the Secretary”
21 and inserting “If the Secretary”; and

22 (ii) by striking subsection (b).

23 (2) PUBLIC HEALTH SERVICE ACT; OTHER PRO-
24 VISIONS.—The Public Health Service Act (42 U.S.C.
25 201 et seq.) is amended—



1 (A) in section 399E, by striking subsection
2 (e);

3 (B) in section 1122—

4 (i) by striking “(a) From the sums”
5 and inserting “From the sums”; and

6 (ii) by striking subsections (b) and
7 (c);

8 (C) by striking section 2301;

9 (D) in section 2354, by striking subsection
10 (b) and redesignating subsection (c) as sub-
11 section (b);

12 (E) [in section 2356, by striking sub-
13 section (e) and redesignating subsections (f)
14 and (g) as subsections (e) and (f), respectively;
15 and]

16 (F) in section 2359(b)—

17 (i) by striking paragraph (2);

18 (ii) by striking “(b) EVALUATION AND
19 REPORT” and all that follows through
20 “Not later than 5 years” and inserting
21 “(b) EVALUATION.—Not later than 5
22 years”;

23 (iii) by redesignating subparagraphs
24 (A) through (C) as paragraphs (1) through
25 (3), respectively; and



1 (iv) by moving each of paragraphs (1)
2 through (3) (as so redesignated) two ems
3 to the left.

4 (3) OTHER ACTS.—Provisions of Federal law
5 are amended as follows:

6 (A) Section 7 of Public Law 97–414 is
7 amended—

8 (i) in subsection (a)—

9 (I) in paragraph (2), by inserting
10 “and” at the end;

11 (II) in paragraph (3), by striking
12 “; and” and inserting a period; and

13 (III) [by striking paragraph (4)];
14 and

15 (ii) [in subsection (b), by striking the
16 last sentence of paragraph (3)].

17 (B) [Title III of Public Law 101–557 (42
18 U.S.C. 242q et seq.) is amended by striking
19 section 304 and redesignating section 305 and
20 306 as sections 304 and 305, respectively.]

21 (C) Section 4923 of Public Law 105–33 is
22 amended by striking subsection (b).

23 (D) Public Law 106–310 is amended by
24 striking section 105.



1 (E) Section 1004 of Public Law 106–310
2 is amended by striking subsection (d).

3 (F) [Section 3633 of Public Law 106–310
4 (as amended by section 2502 of Public Law
5 107–273) is repealed.]

6 (G) [Public Law 106–525 is amended by
7 striking section 105.]

8 (H) Public Law 107–84 is amended by
9 striking section 6.

10 (I) Public Law 108–427 is amended by
11 striking section 3 and redesignating sections 4
12 and 5 as sections 3 and 4, respectively.

13 **SEC. 6. CERTAIN DEMONSTRATION PROJECTS.**

14 (a) BRIDGING THE SCIENCES.—

15 (1) IN GENERAL.—From amounts appropriated
16 under section 402A(a)(1) of the Public Health Serv-
17 ice Act, the Director of NIH, in consultation with
18 the Director of the National Science Foundation and
19 the Secretary of Energy, may allocate funds for the
20 national research institutes and national centers to
21 make grants for the purpose of improving the public
22 health through demonstration projects for research
23 at the interface between—

24 (A) the biological, [behavioral, and social
25 sciences]; and



1 (B) the physical, chemical, mathematical,
2 and computational sciences.

3 (2) GOALS, PRIORITIES, AND METHODS; INTER-
4 AGENCY COLLABORATION.—The Director shall es-
5 tablish goals, priorities, and methods of evaluation
6 for research under paragraph (1), and shall provide
7 for interagency collaboration with respect to such re-
8 search. In developing such goals, priorities, and
9 methods, the Director shall ensure that—

10 (A) the research reflects the vision of inno-
11 vation and higher risk with long-term payoffs;
12 and

13 (B) the research includes a wide spectrum
14 of projects, funded at various levels, with vary-
15 ing time frames.

16 (3) PEER REVIEW.—A grant may be made
17 under paragraph (1) only if the application for the
18 grant has undergone technical and scientific peer re-
19 view under section 492 of the Public Health Service
20 Act (42 U.S.C. 289a) and has been reviewed by the
21 advisory council under section 402(l) of such Act, as
22 added by section 3 of this Act.

23 (b) HIGH-RISK, HIGH REWARD RESEARCH.—

24 (1) IN GENERAL.—From amounts appropriated
25 under section 402A(a)(1) of the Public Health Serv-



1 ice Act, the Director of NIH may allocate funds for
2 the national research institutes and national centers
3 to make awards of grants or contracts [or to engage
4 in other transactions] for demonstration projects for
5 high-impact, cutting-edge research that fosters sci-
6 entific creativity and increases fundamental biologi-
7 cal understanding leading to the prevention, diag-
8 nosis, and treatment of diseases and disorders.

9 (2) ADMINISTRATION OF PROGRAM.—The pro-
10 gram under paragraph (1) shall be designed to en-
11 able the Director to undertake research projects with
12 maximum flexibility and speed.

13 (3) PUBLIC-PRIVATE PARTNERSHIPS.— In pro-
14 viding for research under paragraph (1), the Direc-
15 tor shall seek to facilitate partnerships between pub-
16 lic and private entities.

17 (4) PEER REVIEW.—A grant may be made
18 under paragraph (1) only if the application for the
19 grant has undergone technical and scientific peer re-
20 view under section 492 of the Public Health Service
21 Act (42 U.S.C. 289a) and has been reviewed by the
22 advisory council under section 402(l) of such Act, as
23 added by section 3 of this Act.

24 (c) DEFINITIONS.—For purposes of this section, the
25 terms “Director of NIH”, “national research institute”,



1 and “national center” have the meanings given such term
2 in section 401 of the Public Health Service Act.

3 **SEC. 7. FOUNDATION FOR THE NATIONAL INSTITUTES OF**
4 **HEALTH.**

5 Section 499 of the Public Health Service Act (42
6 U.S.C. 290b) is amended—

7 (1) in subsection (d)—

8 (A) in paragraph (1)—

9 (i) by amending subparagraph (D)(ii)
10 to read as follows:

11 “(ii) Upon the appointment of the ap-
12 pointed members of the Board under clause
13 (i)(II), the terms of service as members of the
14 Board of the ex officio members of the Board
15 described in clauses (i) and (ii) of subparagraph
16 (B) shall terminate. The ex officio members of
17 the Board described in clauses (iii) and (iv) of
18 subparagraph (B) shall continue to serve as ex
19 officio members of the Board.”; and

20 (ii) in subparagraph (G), by inserting

21 “appointed” after “that the number of”;

22 (B) by amending paragraph (3)(B) to read
23 as follows:

24 “(B) Any vacancy in the membership of
25 the appointed members of the Board shall be



1 filled in accordance with the bylaws of the
2 Foundation established in accordance with
3 paragraph (6), and shall not affect the power of
4 the remaining appointed members to execute
5 the duties of the Board.”; and

6 (C) in paragraph (5), by inserting “ap-
7 pointed” after “majority of the”;

8 (2) in subsection (j)—

9 (A) in paragraph (2), by striking
10 “(d)(2)(B)(i)(II)” and inserting “(d)(6)”;

11 (B) in paragraph (4)—

12 (i) in subparagraph (A), by inserting
13 “, including an accounting of the use of
14 amounts transferred under subsection (l)”
15 before the period at the end; and

16 (ii) by striking subparagraph (C) and
17 inserting the following:

18 “(C) The Foundation shall make copies of
19 each report submitted under subparagraph (A)
20 available—

21 “(i) for public inspection, and shall
22 upon request provide a copy of the report
23 to any individual for a charge that shall
24 not exceed the cost of providing the copy;
25 and



1 “(ii) to the appropriate committees of
2 Congress.”; and

3 (C) in paragraph (10), by striking “of
4 Health.” and inserting “of Health and the Na-
5 tional Institutes of Health may accept transfers
6 of funds from the Foundation.”; and

7 (3) by striking subsection (l) and inserting the
8 following:

9 “(l) FUNDING.—From amounts appropriated to the
10 National Institutes of Health, for each fiscal year, the Di-
11 rector of NIH shall transfer not less than \$500,000 and
12 not more than \$1,000,000 to the Foundation.”.

13 **SEC. 8. APPLICABILITY.**

14 This Act and the amendments made by this Act apply
15 only with respect to amounts appropriated for fiscal year
16 2007 or subsequent fiscal years.

