

106TH CONGRESS
2D SESSION

H. R. 4280

To amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2000

Mr. ISTOOK (for himself, Mr. BEREUTER, Ms. BERKLEY, Mr. CANNON, Mr. CLYBURN, Mrs. CUBIN, Mr. DEMINT, Mr. DICKY, Mr. GRAHAM, Mr. HANSEN, Mr. HILL of Montana, Mr. JACKSON of Illinois, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MCCRERY, Mr. PICKERING, Mr. POMEROY, Mr. ROGERS, Mr. SANDERS, Mr. SPENCE, Mr. SPRATT, Mr. TERRY, Mr. WATKINS, and Mr. WICKER) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

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 “National Institutes of
5 Health EPSCoR Program Act of 2000”.

1 **SEC. 2. EPSCOR PROGRAM AT NATIONAL INSTITUTES OF**
2 **HEALTH.**

3 Part A of title IV of the Public Health Service Act
4 (42 U.S.C. 281 et seq.) is amended—

5 (1) in section 402—

6 (A) by striking subsection (g); and

7 (B) by redesignating subsections (h)
8 through (l) as subsections (g) through (k), re-
9 spectively; and

10 (2) by adding at the end the following:

11 **“SEC. 404E. EXPERIMENTAL PROGRAM TO STIMULATE**
12 **COMPETITIVE RESEARCH.**

13 “(a) IN GENERAL.—

14 “(1) ENHANCING RESEARCH COMPETITIVENESS
15 OF ELIGIBLE INSTITUTIONS.—The Director of NIH,
16 acting through the Director of the National Center
17 for Research Resources, shall in accordance with
18 this section establish a program for the purpose of
19 enhancing the competitiveness of eligible institutions
20 in obtaining funds from the national research insti-
21 tutes for conducting biomedical and behavioral re-
22 search.

23 “(2) ELIGIBLE INSTITUTIONS; EPSCOR STATES,
24 COMMITTEES, AND FISCAL AGENTS.—In this section:

1 “(A) ELIGIBLE INSTITUTION.—The term
2 ‘eligible institution’ means a research entity lo-
3 cated in an EPSCoR State.

4 “(B) RESEARCH ENTITY.—The term ‘re-
5 search entity’ means a non-Federal entity that
6 conducts biomedical or behavioral research, in-
7 cluding an individual or organization.

8 “(C) EPSCOR STATE.—The term ‘EPSCoR
9 State’ means a State for which—

10 “(i) the aggregate success rate for ap-
11 plications submitted to the national re-
12 search institutes by research entities in the
13 State has historically constituted a low
14 success rate of obtaining funds from such
15 institutes, relative to such aggregate rate
16 for research entities in other States; or

17 “(ii) the average of the annual aggre-
18 gate amount of funds received for the 5
19 preceding fiscal years by research entities
20 in such State pursuant to successful such
21 applications was not more than 1.08 per-
22 cent of the total amount that was received
23 during such years by research entities in
24 the States under grants, cooperative agree-
25 ments, and contracts awarded by the na-

1 tional research institutes to support the
2 conduct of biomedical and behavioral re-
3 search.

4 “(D) NIH EPSCOR COMMITTEE.—

5 “(i) IN GENERAL.—The term ‘NIH
6 EPSCoR committee’ means, with respect
7 to an EPSCoR State, the single committee
8 established for the State under section 113
9 of the National Science Foundation Au-
10 thorization Act of 1988 (Public Law 100–
11 570), except as provided in clause (ii).

12 “(ii) EXCEPTION.—A committee re-
13 ferred to in clause (i) is not an NIH
14 EPSCoR committee for a State for pur-
15 poses of this section unless, when such
16 committee carries out activities pursuant
17 to this section, the following conditions are
18 met:

19 “(I) The membership of the com-
20 mittee includes individuals who are
21 representatives from the principal
22 nonprofit and for-profit biomedical
23 and behavioral research entities in the
24 State.

1 “(II) The membership of the
2 committee includes representatives of
3 the State legislature and the office of
4 the Governor.

5 “(III) The membership of the
6 committee shall serve staggered 4
7 year terms.

8 “(E) EPSCOR STATE FISCAL AGENT.—The
9 term ‘EPSCoR State fiscal agent’ means a fis-
10 cal intermediary that has been approved by an
11 NIH EPSCoR committee for a State, and that
12 acts on behalf of such committee by submitting
13 applications to the Federal Government for
14 awards of grants, cooperative agreements, and
15 contracts, and by disbursing amounts from such
16 awards.

17 “(b) TECHNICAL ASSISTANCE; RESEARCH PLANS.—
18 The Director of NIH may under subsection (a) enhance
19 the competitiveness of eligible institutions through (di-
20 rectly or by grant or contract)—

21 “(1) providing technical assistance to such in-
22 stitutions, including technical assistance in the prep-
23 aration of applications for obtaining funds from the
24 national research institutes;

1 “(2) assisting the institutions in developing a
2 plan for biomedical or behavioral research proposals;
3 and

4 “(3) assisting the institutions in implementing
5 such plan.

6 “(c) FORMULA GRANTS FOR INCREASING INSTITU-
7 TIONAL CAPACITY.—

8 “(1) IN GENERAL.—In the case of each
9 EPSCoR State fiscal agent that in accordance with
10 paragraph (3) submits to the Director of NIH an
11 application for a fiscal year, the Director shall under
12 subsection (a) make an award of a grant or coopera-
13 tive agreement for the fiscal year to such agent for
14 disbursement to eligible institutions in such State to
15 carry out the purposes described in paragraph (2)
16 (subject to amounts being appropriated under sub-
17 section (e) for the fiscal year). The grant shall con-
18 sist of the allotment determined for the State under
19 paragraph (4).

20 “(2) AUTHORIZED EXPENDITURES.—The pur-
21 poses referred to in paragraph (1) with respect to an
22 EPSCoR State are as follows:

23 “(A) Improving the capacity of eligible in-
24 stitutions in the State to conduct biomedical
25 and behavioral research through providing for

1 faculty-related enhancement and development
2 programs (or other programs regarding profes-
3 sional staff); student programs; training pro-
4 grams; obtaining equipment, including instru-
5 mentation; obtaining facilities, including the
6 construction or renovation of facilities; estab-
7 lishing collaborative professional relationships
8 with other public or private research entities;
9 and other programs or activities determined by
10 the Director of NIH to be appropriate.

11 “(B) Carrying out projects that will have
12 significant short-term impact with respect to
13 improving the capacity of the institutions to
14 conduct biomedical and behavioral research.

15 “(3) APPLICATION FOR GRANT; CERTAIN RE-
16 QUIREMENTS.—An application under paragraph (1)
17 for an award for a fiscal year regarding an EPSCoR
18 State is in accordance with this paragraph if the fol-
19 lowing conditions are met:

20 “(A) The application identifies the specific
21 needs of eligible institutions in the EPSCoR
22 State with respect to the purposes described in
23 subparagraphs (A) and (B) of paragraph (2),
24 including identifying the categories of research
25 that are to receive priority.

1 “(B) The application contains a plan for
2 obtaining public or private funds (other than
3 from awards under paragraph (1)) to continue
4 in effect the improvements to be made with re-
5 spect to such institutions pursuant to the
6 award.

7 “(C) The EPSCoR State fiscal agent
8 agrees that, not later than 60 days after the
9 end of the fiscal year, the agent will submit to
10 the Director of NIH a report describing the
11 purposes for which the award was obligated or
12 expended.

13 “(D) The application meets such additional
14 requirements as the Director of NIH may es-
15 tablish, except that the Director may not re-
16 quire that non-Federal contributions be pro-
17 vided as a condition of receiving the award.

18 “(E) The NIH EPSCoR committee for the
19 State has approved the application as ade-
20 quately meeting the conditions described in sub-
21 paragraphs (A) through (D).

22 “(4) AMOUNT OF AWARD.—For purposes of
23 paragraph (1), an allotment for an EPSCoR State
24 for a fiscal year is determined in accordance with
25 this paragraph if the allotment is the quotient of—

1 “(A) the amount appropriated under sub-
2 section (e) and available for awards under para-
3 graph (1); divided by

4 “(B) the number of EPSCoR States for
5 which applications for awards under paragraph
6 (1) for the fiscal year are submitted in accord-
7 ance with paragraph (3).

8 “(d) EPSCoR COFUNDING PROGRAM.—

9 “(1) IN GENERAL.—The Director of NIH shall
10 under subsection (a) make awards of grants to eligi-
11 ble institutions for the purpose of carrying out
12 projects of research within categories identified
13 under subsection (c)(3)(A) as priorities for the eligi-
14 ble institutions involved.

15 “(2) COFUNDING.—

16 “(A) IN GENERAL.—The Director of NIH
17 may make an award under paragraph (1) only
18 if, in addition to such award, the project in-
19 volved will receive funding from one or more
20 other programs that are carried out by any of
21 the national research institutes (which other
22 programs are in this subsection referred to as
23 ‘Coprograms’).

24 “(B) ALLOCATION BETWEEN PROGRAMS.—

25 Of the total amount made available for a

1 project of an eligible institution pursuant to an
2 award under paragraph (1) and awards under
3 the Coprograms involved, not more than 50
4 percent may be provided in the award under
5 paragraph (1).

6 “(3) PRIORITIES.—In making awards under
7 paragraph (1), the Director of NIH shall give pri-
8 ority to the following projects:

9 “(A) Projects whose principal researchers
10 will be individuals who have not previously
11 served as principal researchers of projects sup-
12 ported by any of the national research insti-
13 tutes.

14 “(B) With respect to the process for peer
15 review of applications for awards, projects
16 whose applications under Coprograms were ap-
17 proved in such process but whose rankings pre-
18 cluded the provision of awards.

19 “(C) Projects that involve multiple areas of
20 research, each of which areas has, at the eligi-
21 ble institution involved, received funding under
22 this section.

23 “(4) CERTAIN REQUIREMENTS.—An award
24 under paragraph (1) may be made only if the appli-

1 cation for the award meets the following require-
2 ments:

3 “(A) The application identifies the specific
4 activities to be carried out with respect to the
5 purpose described in paragraph (1).

6 “(B) The application meets such additional
7 requirements as the Director of NIH may es-
8 tablish.

9 “(C) The NIH EPSCoR committee for the
10 State has approved the application as meeting
11 the requirements under this paragraph, and as
12 being consistent with the strategy adopted by
13 the State with respect to the purpose described
14 in subsection (a)(1).

15 “(e) FUNDING.—

16 “(1) AUTHORIZATION OF APPROPRIATIONS.—
17 For the purpose of carrying out this section, there
18 is authorized to be appropriated \$200,000,000 for
19 fiscal year 2001, and such sums as may be nec-
20 essary for each of the fiscal years 2002 through
21 2005.

22 “(2) ALLOCATION REGARDING TECHNICAL AS-
23 SISTANCE AND RESEARCH PLANS.—Of the amounts
24 appropriated under paragraph (1) for a fiscal year,

1 the Director of NIH shall reserve not to exceed 10
2 percent for carrying out subsection (b).

3 “(3) ALLOCATION REGARDING FORMULA
4 GRANTS FOR INCREASING INSTITUTIONAL CAPACITY;
5 ALLOCATION REGARDING COFUNDING PROGRAM.—Of
6 the amounts appropriated under paragraph (1) for
7 a fiscal year and available after compliance with
8 paragraph (2), the Director of NIH shall reserve—

9 “(A) with respect to fiscal year 2001—

10 “(i) 80 percent of such amounts for
11 awards under subsection (c); and

12 “(ii) 20 percent of such amounts for
13 awards under subsection (d)(1);

14 “(B) with respect to fiscal year 2002—

15 “(i) 70 percent of such amounts for
16 awards under subsection (c); and

17 “(ii) 30 percent of such amounts for
18 awards under subsection (d)(1);

19 “(C) with respect to fiscal year 2003—

20 “(i) 60 percent of such amounts for
21 awards under subsection (c); and

22 “(ii) 40 percent of such amounts for
23 awards under subsection (d)(1); and

24 “(D) with respect to each of fiscal years
25 2004 and 2005—

1 “(i) 50 percent of such amounts for
2 awards under subsection (c); and

3 “(ii) 50 percent of such amounts for
4 awards under subsection (d)(1).

5 “(4) ADDITIONAL FUNDING FOR COFUNDING
6 PROGRAM.—In addition to amounts reserved under
7 paragraph (3) for making awards under subsections
8 (c) and (d)(1), the Director of NIH shall reserve for
9 making such awards all savings in the indirect costs
10 of projects of research supported by the national re-
11 search institutes that are achieved as a result of car-
12 rying out projects in EPSCoR States rather than in
13 other States. Such savings shall be calculated based
14 on the previous 5 year average of the actual
15 amounts paid to each State in indirect costs. Such
16 additional funding from indirect cost savings shall be
17 allocated in a manner consistent with paragraph (3).

18 “(f) REPORTS.—

19 “(1) TO THE STATE.—The NIH EPSCoR com-
20 mittee of a State shall annually submit to the State
21 a report on the activities carried out under this sec-
22 tion in the State.

1 “(2) To NIH.—The State shall forward a copy
2 of each report received under paragraph (1) to the
3 Director of NIH.”.

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