

109TH CONGRESS  
1ST SESSION

# S. 302

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IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Referred to the Committee on Energy and Commerce

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## AN ACT

To make improvements in the Foundation for the National  
Institutes of Health.

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 “Foundation for the  
5 National Institutes of Health Improvement Act”.

1 **SEC. 2. NATIONAL INSTITUTES OF HEALTH ESTABLISH-**  
2 **MENT AND DUTIES.**

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

5 (1) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) by amending subparagraph (D)(ii)  
8 to read as follows:

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

18 (ii) in subparagraph (G), by inserting  
19 “appointed” after “that the number of”;

20 (B) by amending paragraph (3)(B) to read  
21 as follows:

22 “(B) Any vacancy in the membership of  
23 the appointed members of the Board shall be  
24 filled in accordance with the bylaws of the  
25 Foundation established in accordance with  
26 paragraph (6), and shall not affect the power of

1 the remaining appointed members to execute  
2 the duties of the Board.”; and

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

5 (2) in subsection (j)—

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

8 (B) in paragraph (4)—

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

13 (ii) by striking subparagraph (C) and  
14 inserting the following:

15 “(C) The Foundation shall make copies of  
16 each report submitted under subparagraph (A)  
17 available—

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

23 “(ii) to the appropriate committees of  
24 Congress.”; and

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

5           (3) by striking subsection (l) and inserting the  
6           following:

7           “(l) FUNDING.—From amounts appropriated to the  
8           National Institutes of Health, for each fiscal year, the Di-  
9           rector of NIH shall transfer not less than \$500,000 and  
10          not more than \$1,250,000 to the Foundation.”.

Passed the Senate July 27, 2005.

Attest:

EMILY J. REYNOLDS,

*Secretary.*