

111TH CONGRESS
1ST SESSION

H. R. 2463

To amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2009

Mr. KING of New York (for himself and Mr. TIAHRT) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, 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 “Taxpayers’ Cancer Re-
5 search Funding Act of 2009”.

1 **SEC. 2. DESIGNATION OF INCOME TAX PAYMENTS TO**
 2 **BREAST AND PROSTATE CANCER RESEARCH**
 3 **FUND.**

4 (a) IN GENERAL.—Subchapter A of chapter 61 of the
 5 Internal Revenue Code of 1986 (relating to information
 6 and returns) is amended by adding at the end the fol-
 7 lowing new part:

8 **“PART IX—DESIGNATION OF INCOME TAX PAY-**
 9 **MENTS TO BREAST AND PROSTATE CANCER**
 10 **RESEARCH FUND**

“Sec. 6098. Designation to Breast and Prostate Cancer Research Fund.

11 **“SEC. 6098. DESIGNATION TO BREAST AND PROSTATE CAN-**
 12 **CER RESEARCH FUND.**

13 “(a) IN GENERAL.—Every individual (other than a
 14 nonresident alien) whose adjusted income tax liability for
 15 the taxable year is \$5 or more may designate that \$5 shall
 16 be paid over to the Breast and Prostate Cancer Research
 17 Fund in accordance with the provisions of section 9511.
 18 In the case of a joint return of husband and wife having
 19 an adjusted income tax liability of \$10 or more, each
 20 spouse may designate that \$5 shall be paid to the fund.

21 “(b) ADJUSTED INCOME TAX LIABILITY.—For pur-
 22 poses of subsection (a), the term ‘adjusted income tax li-
 23 ability’ means, for any individual for any taxable year, the
 24 excess (if any) of—

1 “(1) the income tax liability (as defined in sec-
2 tion 6096(b)) of the individual for the taxable year,
3 over

4 “(2) any amount designated by the individual
5 (and, in the case of a joint return, any amount des-
6 ignated by the individual’s spouse) under section
7 6096(a) for such taxable year.

8 “(c) MANNER AND TIME OF DESIGNATION.—A des-
9 ignation under subsection (a) may be made with respect
10 to any taxable year—

11 “(1) at the time of filing the return of the tax
12 imposed by chapter 1 for such taxable year, or

13 “(2) at any other time (after the time of filing
14 the return of the tax imposed by chapter 1 for such
15 taxable year) specified in regulations prescribed by
16 the Secretary.

17 Such designation shall be made in such manner as the
18 Secretary prescribes by regulations except that, if such
19 designation is made at the time of filing the return of the
20 tax imposed by chapter 1 for such taxable year, such des-
21 ignation shall be made either on the first page of the re-
22 turn or on the page bearing the taxpayer’s signature.”.

23 (b) BREAST AND PROSTATE CANCER RESEARCH
24 FUND.—Subchapter A of chapter 98 of such Code (relat-

ing to establishment of trust funds) is amended by adding
at the end the following new section:

**“SEC. 9511. BREAST AND PROSTATE CANCER RESEARCH
FUND.**

“(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Breast and Prostate Cancer Research Fund’, consisting of such amounts as may be appropriated or credited to such fund as provided in this section or section 9602(b).

“(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Breast and Prostate Cancer Research Fund amounts equivalent to the amounts designated under section 6098.

“(c) EXPENDITURES.—Amounts in the Breast and Prostate Cancer Research Fund shall be available, as provided in appropriation Acts, for purposes of making qualified research grants, to the extent that such amounts exceed the aggregate of all Federal administrative costs attributable to the implementation of section 6098, subsections (a) and (b) of this section, and (with respect to such fund) section 9602. Such amounts shall be used to supplement, not supplant, existing funding for research with respect to breast and prostate cancer.

“(d) QUALIFIED RESEARCH GRANTS.—

1 “(1) IN GENERAL.—For purposes of subsection
 2 (c), the term ‘qualified research grant’ means a
 3 grant, to a qualified person selected by the National
 4 Cancer Institute of the National Institutes of Health
 5 by qualified peer review, for the purpose of con-
 6 ducting research with respect to breast or prostate
 7 cancer. Such a grant shall be administered by such
 8 National Cancer Institute and the amount of such
 9 grant shall be determined by such Institute.

10 “(2) QUALIFIED PEER REVIEW.—For purposes
 11 of paragraph (1), the term ‘qualified peer review’
 12 means peer review described in sections 492 and
 13 492A of the Public Health Service Act.”

14 (c) CLERICAL AMENDMENTS.—

15 (1) The table of parts for subchapter A of chap-
 16 ter 61 of such Code is amended by adding at the
 17 end the following new item:

“PART IX. DESIGNATION OF INCOME TAX PAYMENTS TO BREAST AND
 PROSTATE CANCER RESEARCH FUND”.

18 (2) The table of sections for subchapter A of
 19 chapter 98 of such Code is amended by adding at
 20 the end the following new item:

“Sec. 9511. Breast and Prostate Cancer Research Fund.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 the date of the enactment of this Act.

○