

112TH CONGRESS
2D SESSION

S. 3237

To provide for the establishment of a Commission to Accelerate the End
of Breast Cancer.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2012

Mr. WHITEHOUSE (for himself, Ms. COLLINS, Mr. BROWN of Ohio, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. HELLER, Mr. WARNER, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for the establishment of a Commission to
Accelerate the End of Breast Cancer.

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 “Accelerating the End of Breast Cancer Act of 2012”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Establishment.
- Sec. 4. Mission; duties.
- Sec. 5. Membership.

- Sec. 6. Chairperson; program managers.
- Sec. 7. Coordination and nonduplication.
- Sec. 8. Evaluation of the Commission.
- Sec. 9. Authorization of funding.
- Sec. 10. Termination.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) In the United States, the chance of a
4 woman developing breast cancer during her lifetime
5 has increased from 1 in 11 in 1975 to 1 in 8 today.

6 (2) Worldwide, breast cancer is the most fre-
7 quently diagnosed cancer in women with 1,300,000
8 cases each year. Breast cancer is also the leading
9 cause of cancer death in women, with more than
10 500,000 women dying from the disease worldwide in
11 2010.

12 (3) More than 90 percent of deaths from breast
13 cancer are caused by metastasis, which occurs when
14 cancerous cells spread to other organs or bone.

15 (4) The National Cancer Institute estimated
16 that breast cancer care in the United States cost
17 \$16,500,000,000 in 2009, and cost the nation
18 \$12,100,000,000 in lost productivity.

19 (5) Over the past 40 years, very little has im-
20 proved the incidence, morbidity, and mortality rates
21 of breast cancer.

1 **SEC. 3. ESTABLISHMENT.**

2 There shall be established a commission to be known
3 as the Commission to Accelerate the End of Breast Cancer
4 (in this Act referred to as the “Commission”).

5 **SEC. 4. MISSION; DUTIES.**

6 (a) MISSION.—The mission of the Commission shall
7 be to help end breast cancer by January 1, 2020.

8 (b) DUTIES.—The Commission shall—

9 (1) identify opportunities and ideas within the
10 public and private sectors, basic and applied
11 sciences, and epidemiology that can be turned into
12 real world strategies to prevent breast cancer and
13 breast cancer metastasis;

14 (2) recommend projects to leverage such oppor-
15 tunities and ideas in the areas of—

16 (A) the primary prevention of breast can-
17 cer; and

18 (B) the causes and prevention of breast
19 cancer metastasis;

20 (3) promote ideas that are intellectually compel-
21 ling and innovative;

22 (4) accelerate potentially transformational sci-
23 entific advances that are—

24 (A) not being prioritized within the Fed-
25 eral Government but which can help to achieve
26 the mission described in subsection (a); and

1 (B) unlikely to be achieved by the private
2 sector due to technical and financial uncer-
3 tainty;

4 (5) identify promising but underdeveloped areas
5 of research that would benefit from a cluster of sup-
6 port from government, industry, and academia to
7 rapidly advance knowledge into practice; and

8 (6) create opportunities for transdisciplinary,
9 cross-cutting collaborations.

10 (c) STRATEGIC VISION.—Not later than 6 months
11 after the appointment of the initial members of the Com-
12 mission, the Commission shall submit to the President and
13 to the relevant authorizing and appropriations committees
14 of Congress, a description of the Commission’s strategic
15 vision for its role in achieving the mission described in
16 subsection (a) by January 1, 2020.

17 (d) ANNUAL REPORT.—Not later than January 15,
18 2013, and annually thereafter, the Commission shall sub-
19 mit an annual report to the President, Congress, and the
20 public describing—

21 (1) the Commission’s activities under this sec-
22 tion, including its progress in achieving the mission
23 described in subsection (a); and

1 (2) the amount of funding expended by the
2 Commission in the preceding year and the activities
3 carried out with such funds.

4 **SEC. 5. MEMBERSHIP.**

5 (a) NUMBER; APPOINTMENT.—The Commission shall
6 be composed of not more than 10 members who shall be
7 appointed by the President, by and with the advice and
8 consent of the Senate.

9 (b) COMPOSITION.—

10 (1) IN GENERAL.—Each member of the Com-
11 mission shall be appointed to represent one of the
12 following 3 categories:

13 (A) Representatives of varied disciplines
14 within the biomedical research field.

15 (B) Representatives of varied disciplines
16 outside of the biomedical research field.

17 (C) Educated patient advocates, including
18 individuals who—

19 (i) represent a patient-led, patient-
20 centered organization with a patient con-
21 stituency;

22 (ii) have been personally affected by
23 breast cancer; and

1 (iii) are trained, knowledgeable, and
2 prepared to participate in the decision-
3 making process of science and medicine.

4 (2) REPRESENTATION OF MEMBERSHIP CAT-
5 EGORIES.—Of the members of the Commission—

6 (A) at least 1, but not more than 3, shall
7 be appointed to represent the category de-
8 scribed in paragraph (1)(A);

9 (B) at least 1, but not more than 3, shall
10 be appointed to represent the category de-
11 scribed in paragraph (1)(B); and

12 (C) at least 2, but not more than 4, shall
13 be appointed to represent the category de-
14 scribed in paragraph (1)(C).

15 (c) INITIAL MEMBERS.—The initial members of the
16 Commission shall be appointed not later than 60 days
17 after the date of the enactment of this Act.

18 (d) TERMS.—

19 (1) IN GENERAL.—Each member of the Com-
20 mission shall be appointed for a term of 3 years and
21 may be reappointed.

22 (2) VACANCIES.—Any member of the Commis-
23 sion appointed to fill a vacancy occurring before the
24 expiration of the term for which the member's pred-
25 ecessor was appointed shall be appointed only for

1 the remainder of that term. A member may serve
2 after the expiration of that member's term until a
3 successor has taken office. A vacancy in the Com-
4 mission shall be filled in the manner in which the
5 original appointment was made.

6 (e) QUORUM.—Three members of the Commission
7 shall constitute a quorum.

8 **SEC. 6. CHAIRPERSON; PROGRAM MANAGERS.**

9 (a) CHAIRPERSON.—

10 (1) DESIGNATION.—Of the members of the
11 Commission appointed under section 5(a), the Presi-
12 dent shall at the time of the appointment, designate
13 one such member who meets the qualification re-
14 quirement of paragraph (2) to serve as the Chair-
15 person of the Commission.

16 (2) QUALIFICATIONS.—To be selected as Chair-
17 person under paragraph (1), a member shall be an
18 individual who, by reason of professional background
19 and experience, is especially qualified to manage
20 areas of study pertaining to ending breast cancer by
21 January 1, 2020.

22 (3) RESPONSIBILITIES.—The responsibilities of
23 the Chairperson shall include—

1 (A) approving areas of study of the Com-
2 mission based on innovation, impact, and sci-
3 entific and technical merit;

4 (B) developing criteria (including mile-
5 stones) for assessing, and overseeing the assess-
6 ment of, the success of areas of study of the
7 Commission;

8 (C) terminating areas of study of the Com-
9 mission that are not achieving the mission de-
10 scribed in section 4(a); and

11 (D) appointing staff as necessary to aid in
12 carrying out the mission described in section
13 4(a).

14 (b) PROGRAM MANAGERS.—

15 (1) IN GENERAL.—The Chairperson of the
16 Commission may designate members of the Commis-
17 sion who may act as program managers to oversee
18 one or more areas of study of the Commission.

19 (2) RESPONSIBILITIES.—A member designated
20 under paragraph (1) shall, with respect to one or
21 more areas of study, be responsible for—

22 (A) recommending novel proposals,
23 projects, and collaborations based on scientific
24 and technical merit to achieve the mission de-
25 scribed in section 4(a) with a focus on strate-

1 gies for the primary prevention of breast can-
2 cer, and methods to prevent breast cancer me-
3 tastasis;

4 (B) identifying innovative ideas and oppor-
5 tunities to achieve the mission described in sec-
6 tion 4(a), including such ideas and opportuni-
7 ties not being prioritized for breast cancer rel-
8 evance within Federal agencies or programs or
9 the private sector;

10 (C) working with other relevant Federal
11 agencies to identify areas of concurrent inter-
12 ests in order to maximize Federal investment
13 and stimulate collaborative projects;

14 (D) creating opportunities for
15 transdisciplinary, cross-cutting collaborations;

16 (E) using the authorized funds of the
17 Commission, subject to the approval of the
18 Chairperson—

19 (i) to convene workshops and confer
20 with experts in both the public and private
21 sector;

22 (ii) to build collaborations for identi-
23 fying areas of study;

24 (iii) to identify all areas where re-
25 sources could be leveraged; and

1 (iv) to carry out other functions of the
2 Commission that are approved by the
3 Chairperson and necessary to carry out the
4 mission described in section 4(a); and
5 (F) to monitor the progress of areas of
6 study and recommend restructure or termi-
7 nation.

8 **SEC. 7. COORDINATION AND NONDUPLICATION.**

9 To the maximum extent practicable, the Commission
10 shall ensure that the activities of the Commission are co-
11 ordinated with, and do not duplicate the efforts of, pro-
12 grams and laboratories of other government agencies.

13 **SEC. 8. EVALUATION OF THE COMMISSION.**

14 (a) IN GENERAL.—The President shall enter into an
15 agreement with the Institute of Medicine of the National
16 Academy of Sciences under which the Institute, after the
17 Commission has been in operation for 3 years, shall com-
18 plete an evaluation of how well the Commission is making
19 progress towards achieving the mission described in sec-
20 tion 4(a).

21 (b) INCLUSIONS.—The evaluation under subsection
22 (a) shall include—

23 (1) a recommendation on whether the Commis-
24 sion should be continued or terminated; and

1 (2) a description of lessons learned from oper-
2 ation of the Commission.

3 (c) AVAILABILITY.—On completion of the evaluation
4 under subsection (a), the Commission shall make the eval-
5 uation available to the Congress and the public.

6 **SEC. 9. AUTHORIZATION OF FUNDING.**

7 (a) FUND.—There is established in the Treasury of
8 the United States a fund, to be known as the “Accel-
9 erating the End of Breast Cancer Fund”, which shall be
10 administered by the Chairperson, as defined in section
11 6(a), for the purpose of carrying out this section.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Chairperson for
14 deposit in the Fund, without fiscal year limitation—

15 (1) \$8,000,000 for fiscal year 2012;

16 (2) \$12,000,000 for each of fiscal years 2013
17 and 2014; and

18 (3) such sums as may be necessary for each fis-
19 cal year thereafter until the Commission is termi-
20 nated.

21 (c) LIMITATION.—None of the amounts appropriated
22 for a fiscal year under subsection (b) shall be used for
23 the operation or construction of any laboratories or pilot
24 plants.

1 **SEC. 10. TERMINATION.**

2 The Commission shall terminate on June 1, 2020.

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