

113TH CONGRESS
1ST SESSION

S. 865

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

IN THE SENATE OF THE UNITED STATES

MAY 6, 2013

Mr. WHITEHOUSE (for himself, Mr. HELLER, Mr. WARNER, Mr. GRASSLEY,
Mr. BROWN, Mr. REED, Mr. BEGICH, Mr. CASEY, and Mr. FRANKEN)
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 2013”.

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. Purpose; duties.
- Sec. 5. Membership.

Sec. 6. Powers.
 Sec. 7. Chairperson; program managers.
 Sec. 8. Coordination and nonduplication.
 Sec. 9. Evaluation of the Commission.
 Sec. 10. Authorization of funding.
 Sec. 11. 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
 10 438,000 women dying from the disease worldwide in
 11 2010, a 37.5 percent increase since 1990.

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 2010, 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 (6) In recognition of the complexity of breast
2 cancer, experts have identified the need to transform
3 how research is conducted by engaging investigators
4 from many disciplines.

5 (7) Advances in understanding the progression
6 of breast cancer, particularly metastasis, have the
7 potential to translate to better understanding and
8 preventing the spread of other types of cancer.

9 **SEC. 3. ESTABLISHMENT.**

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

13 **SEC. 4. PURPOSE; DUTIES.**

14 (a) PURPOSE.—The purpose of the Commission shall
15 be to help end breast cancer by January 1, 2020.

16 (b) DUTIES.—

17 (1) IN GENERAL.—The Commission shall iden-
18 tify, recommend, and promote initiatives, partner-
19 ships, and research within the public and private
20 sectors, basic and applied sciences, and epidemiology
21 that can be turned into strategies to prevent breast
22 cancer and breast cancer metastasis.

23 (2) PRIORITY.—The Commission shall give pri-
24 ority to initiatives, partnerships, and research that
25 are—

1 (A) not prioritized within the public sector;
2 and

3 (B) unlikely to be achieved by the private
4 sector due to technical and financial uncer-
5 tainty.

6 (c) STRATEGIC PLAN.—Not later than 6 months
7 after the appointment of the initial members of the Com-
8 mission, the Commission shall submit to the President and
9 to the relevant authorizing and appropriations committees
10 of Congress, a description of the Commission’s strategic
11 plan to advance the purpose described in subsection (a).

12 (d) ANNUAL REPORT.—Not later than January 15,
13 2014, and annually thereafter, the Commission shall sub-
14 mit an annual report to the President, Congress, and the
15 public—

16 (1) describing the Commission’s activities under
17 this section, including its progress in achieving the
18 purpose described in subsection (a); and

19 (2) containing a full financial report, including
20 a line item report of the Commission’s expenditures
21 for the preceding year.

22 **SEC. 5. MEMBERSHIP.**

23 (a) NUMBER; APPOINTMENT.—The Commission shall
24 be composed of not more than 10 members who shall be
25 appointed by the President, with the advice and consent

1 of the Senate, not later than 60 days after the date of
2 enactment of this Act, in accordance with this section.

3 (b) REPRESENTATION.—

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

7 (A) Individuals who represent the interests
8 of varied disciplines within the biomedical re-
9 search field.

10 (B) Individuals who represent the relevant
11 varied disciplines outside of the biomedical re-
12 search field.

13 (C) Patient advocates, including individ-
14 uals who—

15 (i) represent a patient-led, patient-
16 centered organization with a patient con-
17 stituency either directly related to or rel-
18 evant to breast cancer; and

19 (ii) are trained, knowledgeable, and
20 prepared to participate in the decision-
21 making process of science and medicine.

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

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

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

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

10 (c) TERMS.—

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

14 (2) VACANCIES.—Any member of the Commis-
 15 sion appointed to fill a vacancy occurring before the
 16 expiration of the term for which the member's pred-
 17 ecessor was appointed shall be appointed only for
 18 the remainder of that term. A member may serve
 19 after the expiration of that member's term until a
 20 successor has taken office. A vacancy in the Com-
 21 mission shall be filled in the manner in which the
 22 original appointment was made and shall not affect
 23 the power of the remaining members to execute the
 24 duties of the Commission.

1 (d) QUORUM.—Three members of the Commission
2 shall constitute a quorum.

3 **SEC. 6. POWERS.**

4 The Commission shall have the following powers:

5 (1) HEARINGS AND OTHER ACTIVITIES.—For
6 the purpose of carrying out its duties, the Commis-
7 sion may hold such hearings and undertake such
8 other activities as the Commission determines to be
9 necessary to carry out its duties.

10 (2) DETAIL OF FEDERAL EMPLOYEES.—Upon
11 the request of the Commission, the head of any Fed-
12 eral agency is authorized to detail, without reim-
13 bursement, any of the personnel of such agency to
14 the Commission to assist the Commission in car-
15 rying out its duties. Any such detail shall not inter-
16 rupt or otherwise affect the civil service status or
17 privileges of the Federal employee.

18 (3) TECHNICAL ASSISTANCE.—Upon the re-
19 quest of the Commission, the head of a Federal
20 agency may provide such technical assistance to the
21 Commission as the Commission determines to be
22 necessary to carry out its duties.

23 (4) USE OF MAILS.—The Commission may use
24 the United States mails in the same manner and
25 under the same conditions as Federal agencies.

1 (5) OBTAINING INFORMATION.—The Commis-
 2 sion may secure directly from any Federal agency
 3 information necessary to enable it to carry out its
 4 duties, if the information may be disclosed under
 5 section 552 of title 5, United States Code. Upon re-
 6 quest of the Chairperson of the Commission, the
 7 head of such agency shall furnish such information
 8 to the Commission.

9 (6) ADMINISTRATIVE SUPPORT SERVICES.—
 10 Upon the request of the Commission, the Adminis-
 11 trator of General Services shall provide to the Com-
 12 mission on a reimbursable basis such administrative
 13 support services as the Commission may request.

14 **SEC. 7. CHAIRPERSON; PROGRAM MANAGERS.**

15 (a) CHAIRPERSON.—

16 (1) DESIGNATION.—Of the members of the
 17 Commission appointed under section 5(a), the Presi-
 18 dent shall at the time of the appointment, designate
 19 one such member to serve as the Chairperson of the
 20 Commission.

21 (2) RESPONSIBILITIES.—The responsibilities of
 22 the Chairperson shall include—

23 (A) approving areas of study of the Com-
 24 mission based on criteria including scientific
 25 and technical merit, innovation, and impact;

1 (B) developing criteria (including bench-
2 marks) for assessing, and overseeing the assess-
3 ment of, the progress of areas of study of the
4 Commission;

5 (C) terminating areas of study of the Com-
6 mission that are not achieving the purpose de-
7 scribed in section 4(a);

8 (D) designating members of the Commis-
9 sion to act as program managers as described
10 in subsection (b); and

11 (E) appointing staff as necessary to aid in
12 carrying out the purpose 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 the following:

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

gies for the primary prevention of breast cancer, and methods to prevent breast cancer metastasis. Program directors may—

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

(ii) identify areas of study;

(iii) identify all areas where resources could be leveraged; and

(iv) carry out other functions of the Commission that are approved by the Chairperson and that the Chairperson deems necessary to carry out the purpose described in section 4(a).

(B) Working with relevant Federal agencies to identify areas of concurrent interests in order to maximize Federal investment and stimulate collaborative projects.

(C) Monitoring the progress of areas of study and recommend restructure or termination.

SEC. 8. COORDINATION AND NONDUPLICATION.

To the maximum extent practicable, the Commission shall ensure that the activities of the Commission are co-

1 ordinated with, and do not duplicate the efforts of, pro-
2 grams and laboratories of other government agencies.

3 **SEC. 9. EVALUATION OF THE COMMISSION.**

4 (a) IN GENERAL.—The President shall enter into an
5 agreement with the Institute of Medicine of the National
6 Academy of Sciences under which the Institute, after the
7 Commission has been in operation for 3 years, shall evalu-
8 ate the Commission’s progress towards achieving the pur-
9 pose described in section 4(a).

10 (b) INCLUSIONS.—The evaluation under subsection
11 (a) shall include—

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

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

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

19 **SEC. 10. AUTHORIZATION OF FUNDING.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—To carry
21 out the purpose of this Act, there are authorized to be
22 appropriated—

23 (1) \$8,000,000 for fiscal year 2013;

24 (2) \$12,000,000 for each of fiscal years 2014
25 and 2015; and

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

4 (b) LIMITATION.—None of the amounts appropriated
5 for a fiscal year under subsection (a) shall be used for
6 the operation or construction of any laboratories or pilot
7 plants.

8 **SEC. 11. TERMINATION.**

9 The Commission shall terminate on June 1, 2020.

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