

113TH CONGRESS  
2D SESSION

# H. R. 5820

To amend title IV of the Public Health Service Act to allocate additional funding through the Common Fund for research by emerging scientists.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2014

Mr. HARRIS introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title IV of the Public Health Service Act to allocate additional funding through the Common Fund for research by emerging scientists.

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 “YES to Cures Act of  
5 2014”.

6 **SEC. 2. FUNDING RESEARCH BY EMERGING SCIENTISTS**  
7 **THROUGH COMMON FUND.**

8 (a) USE OF FUNDS.—Section 402(b)(7)(B) of the  
9 Public Health Service Act (42 U.S.C. 282) is amended—

10 (1) in clause (i), by striking “and” at the end;

1 (2) by redesignating clause (ii) as clause (iii);

2 and

3 (3) by inserting after clause (i) the following:

4 “(ii) shall, with respect to funds reserved under  
5 section 402A(e)(1)(C) for the Common Fund, allo-  
6 cate such funds to the national research institutes  
7 and national centers for conducting and supporting  
8 research that is identified under subparagraph (A)  
9 and is carried out by one or more emerging sci-  
10 entists (as defined in section 402A(e)(1)(C)(iv));  
11 and”.

12 (b) RESERVATION OF FUNDS.—Section 402A(e)(1)  
13 of the Public Health Service Act (42 U.S.C. 282a(e)(1))  
14 is amended—

15 (1) by redesignating subparagraphs (C) and  
16 (D) as subparagraphs (D) and (E), respectively; and

17 (2) by inserting after subparagraph (B) the fol-  
18 lowing:

19 “(C) ADDITIONAL RESERVATION FOR RE-  
20 SEARCH BY EMERGING SCIENTISTS.—

21 “(i) INAPPLICABILITY OF TAP FOR  
22 EVALUATION ACTIVITIES.—Beginning with  
23 fiscal year 2015, funds appropriated to the  
24 National Institutes of Health shall not be  
25 subject to section 241.

1           “(ii) RESERVATION.—In addition to  
2           the amounts reserved for the Common  
3           Fund under subparagraph (B) and  
4           amounts appropriated to the Common  
5           Fund under subsection (a)(2), the Director  
6           of NIH shall reserve an amount for the  
7           Common Fund for fiscal year 2015 and  
8           each subsequent fiscal year that is equal to  
9           the amount that, but for clause (i), would  
10          be made available under section 241 for  
11          evaluation activities for such fiscal year.

12          “(iii) PURPOSE OF RESERVATION.—  
13          Amounts reserved under clause (ii) shall be  
14          used for the purpose of carrying out sec-  
15          tion 402(b)(7)(B)(ii) (relating to the con-  
16          duct and support of research that is identi-  
17          fied under section 402A(b)(7)(A) and is  
18          carried out by one or more emerging sci-  
19          entists).

20          “(iv) DEFINITION.—In this subpara-  
21          graph, the term ‘emerging scientist’ means  
22          an investigator who—

23                  “(I) will be the principal investi-  
24                  gator or the program director of the  
25                  proposed research;

1 “(II) has never been awarded, or  
2 has been awarded only once, a sub-  
3 stantial, competing grant by the Na-  
4 tional Institutes of Health for inde-  
5 pendent research; and

6 “(III) is within 15 years of hav-  
7 ing completed—

8 “(aa) the investigator’s ter-  
9 minal degree; or

10 “(bb) a medical residency  
11 (or the equivalent).”.

12 (c) SUPPLEMENT, NOT SUPPLANT; PROHIBITION  
13 AGAINST TRANSFER.—Funds reserved pursuant to sec-  
14 tion 402A(c)(1)(C) of the Public Health Service Act, as  
15 added by subsection (b)—

16 (1) shall be used to supplement, not supplant,  
17 the funds otherwise allocated by the National Insti-  
18 tutes of Health for young investigators; and

19 (2) notwithstanding any transfer authority in  
20 any appropriation Act, shall not be used for any  
21 purpose other than allocating funds as described in  
22 section 402(b)(7)(B)(ii) of the Public Health Service  
23 Act, as added by subsection (a).

24 (d) CONFORMING AMENDMENTS.—

1           (1) Section 241(a) of the Public Health Service  
2 Act (42 U.S.C. 238j(a)) is amended by striking  
3 “Such portion” and inserting “Subject to section  
4 402A(c)(1)(C)(i), such portion”.

5           (2) Section 402A(a)(2) of the Public Health  
6 Service Act is amended—

7                 (A) by striking “402(b)(7)(B)(ii)” and in-  
8 serting “402(b)(7)(B)(iii)”; and

9                 (B) by striking “reserved under subsection  
10 (c)(1)(B)(i)” and inserting “reserved under  
11 subparagraph (B)(i) or (C)(ii) of subsection  
12 (c)(1)”.

13           (3) Section 3(c)(2) of the Gabriella Miller Kids  
14 First Research Act (Public Law 113–94) is amended  
15 by striking “402(b)(7)(B)(ii) of the Public Health  
16 Service Act, as added by subsection (a)” and insert-  
17 ing “402(b)(7)(B)(iii) of the Public Health Service  
18 Act, as added by subsection (a) and redesignated by  
19 section 2(a) of the YES to Cures Act of 2014”.

20           (e) RULE OF CONSTRUCTION.—Nothing in this Act  
21 (and the amendments made by this Act) is intended to  
22 affect the amount of funds authorized to be appropriated  
23 to the Agency for Healthcare Research and Quality.

1 **SEC. 3. REPORT ON TRENDS IN AGE OF RECIPIENTS OF**  
2 **NIH-FUNDED MAJOR RESEARCH GRANTS.**

3 Not later than six months after the date of enactment  
4 of this Act, the Director of the National Institutes of  
5 Health shall submit a report to the Congress—

6 (1) explaining why, over the 30-year period pre-  
7 ceding the enactment of this Act—

8 (A) there has been a substantial increase  
9 in the age of investigators receiving their first  
10 major research grant from the National Insti-  
11 tutes of Health;

12 (B) there has been a substantial increase  
13 in the average age of all recipients of major re-  
14 search grants from the National Institutes of  
15 Health; and

16 (C) there has been a dramatic drop in the  
17 number of investigators under 40 years of age  
18 receiving major research grants from the Na-  
19 tional Institutes of Health; and

20 (2) describing—

21 (A) the steps taken by the National Insti-  
22 tutes of Health in recent years to address the  
23 trends identified in paragraph (1); and

24 (B) the impact of taking such steps.

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