

112TH CONGRESS  
2D SESSION

# H. R. 733

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## AN ACT

To provide for scientific frameworks with respect to  
recalcitrant cancers.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Recalcitrant Cancer  
3 Research Act of 2012”.

4 **SEC. 2. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CAN-**  
5 **CERS.**

6       Subpart 1 of part C of title IV of the Public Health  
7 Service Act (42 U.S.C. 285 et seq.) is amended by adding  
8 at the end the following:

9 **“SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT**  
10 **CANCERS.**

11       “(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

12           “(1) IN GENERAL.—For each recalcitrant can-  
13 cer identified under subsection (b), the Director of  
14 the Institute shall develop (in accordance with sub-  
15 section (c)) a scientific framework for the conduct or  
16 support of research on such cancer.

17           “(2) CONTENTS.—The scientific framework  
18 with respect to a recalcitrant cancer shall include the  
19 following:

20           “(A) CURRENT STATUS.—

21           “(i) REVIEW OF LITERATURE.—A  
22 summary of findings from the current lit-  
23 erature in the areas of—

24           “(I) the prevention, diagnosis,  
25 and treatment of such cancer;

1 “(II) the fundamental biologic  
2 processes that regulate such cancer  
3 (including similarities and differences  
4 of such processes from the biological  
5 processes that regulate other cancers);  
6 and

7 “(III) the epidemiology of such  
8 cancer.

9 “(ii) SCIENTIFIC ADVANCES.—The  
10 identification of relevant emerging sci-  
11 entific areas and promising scientific ad-  
12 vances in basic, translational, and clinical  
13 science relating to the areas described in  
14 subclauses (I) and (II) of clause (i).

15 “(iii) RESEARCHERS.—A description  
16 of the availability of qualified individuals  
17 to conduct scientific research in the areas  
18 described in clause (i).

19 “(iv) COORDINATED RESEARCH INI-  
20 TIATIVES.—The identification of the types  
21 of initiatives and partnerships for the co-  
22 ordination of intramural and extramural  
23 research of the Institute in the areas de-  
24 scribed in clause (i) with research of the  
25 relevant national research institutes, Fed-

1           eral agencies, and non-Federal public and  
2           private entities in such areas.

3           “(v) RESEARCH RESOURCES.—The  
4           identification of public and private re-  
5           sources, such as patient registries and tis-  
6           sue banks, that are available to facilitate  
7           research relating to each of the areas de-  
8           scribed in clause (i).

9           “(B) IDENTIFICATION OF RESEARCH  
10          QUESTIONS.—The identification of research  
11          questions relating to basic, translational, and  
12          clinical science in the areas described in sub-  
13          clauses (I) and (II) of subparagraph (A)(i) that  
14          have not been adequately addressed with re-  
15          spect to such recalcitrant cancer.

16          “(C) RECOMMENDATIONS.—Recommendations  
17          for appropriate actions that should be  
18          taken to advance research in the areas de-  
19          scribed in subparagraph (A)(i) and to address  
20          the research questions identified in subpara-  
21          graph (B), as well as for appropriate bench-  
22          marks to measure progress on achieving such  
23          actions, including the following:

1                   “(i) RESEARCHERS.—Ensuring ade-  
2                   quate availability of qualified individuals  
3                   described in subparagraph (A)(iii).

4                   “(ii) COORDINATED RESEARCH INI-  
5                   TIATIVES.—Promoting and developing ini-  
6                   tiatives and partnerships described in sub-  
7                   paragraph (A)(iv).

8                   “(iii) RESEARCH RESOURCES.—Devel-  
9                   oping additional public and private re-  
10                  sources described in subparagraph (A)(v)  
11                  and strengthening existing resources.

12               “(3) TIMING.—

13               “(A) INITIAL DEVELOPMENT AND SUBSE-  
14               QUENT UPDATE.—For each recalcitrant cancer  
15               identified under subsection (b)(1), the Director  
16               of the Institute shall—

17               “(i) develop a scientific framework  
18               under this subsection not later than 18  
19               months after the date of the enactment of  
20               this section; and

21               “(ii) review and update the scientific  
22               framework not later than 5 years after its  
23               initial development.

24               “(B) OTHER UPDATES.—The Director of  
25               the Institute may review and update each sci-

1           entific framework developed under this sub-  
2           section as necessary.

3           “(4) PUBLIC NOTICE.—With respect to each  
4           scientific framework developed under subsection (a),  
5           not later than 30 days after the date of completion  
6           of the framework, the Director of the Institute  
7           shall—

8                   “(A) submit such framework to the Com-  
9                   mittee on Energy and Commerce and Com-  
10                  mittee on Appropriations of the House of Rep-  
11                  resentatives, and the Committee on Health,  
12                  Education, Labor, and Pensions and Committee  
13                  on Appropriations of the Senate; and

14                  “(B) make such framework publically  
15                  available on the Internet website of the Depart-  
16                  ment of Health and Human Services.

17           “(b) IDENTIFICATION OF RECALCITRANT CANCER.—

18                  “(1) IN GENERAL.—Not later than 6 months  
19                  after the date of the enactment of this section, the  
20                  Director of the Institute shall identify two or more  
21                  recalcitrant cancers that each—

22                   “(A) have a 5-year relative survival rate of  
23                   less than 20 percent; and

1                   “(B) are estimated to cause the death of at  
2                   least 30,000 individuals in the United States  
3                   per year.

4                   “(2) ADDITIONAL CANCERS.—The Director of  
5                   the Institute may, at any time, identify other recal-  
6                   citrant cancers for purposes of this section. In iden-  
7                   tifying a recalcitrant cancer pursuant to the previous  
8                   sentence, the Director may consider additional  
9                   metrics of progress (such as incidence and mortality  
10                  rates) against such type of cancer.

11                  “(c) WORKING GROUPS.—For each recalcitrant can-  
12                  cer identified under subsection (b), the Director of the In-  
13                  stitute shall convene a working group comprised of rep-  
14                  resentatives of appropriate Federal agencies and other  
15                  non-Federal entities to provide expertise on, and assist in  
16                  developing, a scientific framework under subsection (a).  
17                  The Director of the Institute (or the Director’s designee)  
18                  shall participate in the meetings of each such working  
19                  group.

20                  “(d) REPORTING.—

21                  “(1) BIENNIAL REPORTS.—The Director of  
22                  NIH shall ensure that each biennial report under  
23                  section 403 includes information on actions under-  
24                  taken to carry out each scientific framework devel-

1       oped under subsection (a) with respect to a recal-  
2       citrant cancer, including the following:

3               “(A) Information on research grants  
4               awarded by the National Institutes of Health  
5               for research relating to such cancer.

6               “(B) An assessment of the progress made  
7               in improving outcomes (including relative sur-  
8               vival rates) for individuals diagnosed with such  
9               cancer.

10              “(C) An update on activities pertaining to  
11              such cancer under the authority of section  
12              413(b)(7).

13              “(2) ADDITIONAL ONE-TIME REPORT FOR CER-  
14              TAIN FRAMEWORKS.—For each recalcitrant cancer  
15              identified under subsection (b)(1), the Director of  
16              the Institute shall, not later than 6 years after the  
17              initial development of a scientific framework under  
18              subsection (a), submit a report to the Congress on  
19              the effectiveness of the framework (including the up-  
20              date required by subsection (a)(3)(A)(ii)) in improv-  
21              ing the prevention, detection, diagnosis, and treat-  
22              ment of such cancer.

23              “(e) RECOMMENDATIONS FOR EXCEPTION FUND-  
24              ING.—The Director of the Institute shall consider each  
25              relevant scientific framework developed under subsection



1 (a) when making recommendations for exception funding  
2 for grant applications.

3 “(f) DEFINITION.—In this section, the term ‘recal-  
4 citrant cancer’ means a cancer for which the five-year rel-  
5 ative survival rate is below 50 percent.”.

Passed the House of Representatives September 19,  
2012.

Attest:

*Clerk.*

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

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