

106TH CONGRESS
1ST SESSION

H. R. 3115

To amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 1999

Mr. ISTOOK (for himself, Mr. DICKEY, and Mr. WICKER) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

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 “National Institutes of
5 Health EPSCoR Program Act of 1999”.

1 **SEC. 2. EPSCOR PROGRAM AT NATIONAL INSTITUTES OF**
2 **HEALTH.**

3 Part A of title IV of the Public Health Service Act
4 (42 U.S.C. 281 et seq.) is amended—

5 (1) in section 402, by striking subsection (g)
6 and redesignating subsections (h) through (l) as sub-
7 sections (g) through (k); and

8 (2) by adding at the end the following section:

9 “EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE
10 RESEARCH

11 “SEC. 404E. (a) IN GENERAL.—

12 “(1) ENHANCING RESEARCH COMPETITIVENESS
13 OF ELIGIBLE INSTITUTIONS.—The Director of NIH,
14 acting through the Director of the National Center
15 for Research Resources, shall in accordance with
16 this section establish a program for the purpose of
17 enhancing the competitiveness of eligible institutions
18 in obtaining funds from the national research insti-
19 tutes for conducting biomedical and behavioral re-
20 search.

21 “(2) ELIGIBLE INSTITUTIONS; EPSCOR STATES,
22 COMMITTEES, AND FISCAL AGENTS.—For purposes
23 of this section:

24 “(A) The term ‘eligible institution’ means
25 a research entity located in an EPSCoR State.

1 “(B) The term ‘research entity’ means a
2 non-Federal entity that conducts biomedical or
3 behavioral research, including an individual or
4 organization.

5 “(C) The term ‘EPSCoR State’ means a
6 State for which—

7 “(i) the aggregate success rate for ap-
8 plications submitted to the national re-
9 search institutes by research entities in the
10 State has historically constituted a low
11 success rate of obtaining funds from such
12 institutes, relative to such aggregate rate
13 for research entities in other States; or

14 “(ii) the average of the annual aggre-
15 gate amount of funds received for the five
16 preceding fiscal years by research entities
17 in such State pursuant to successful such
18 applications was not more than 1.08 per-
19 cent of the total amount that was received
20 during such years by research entities in
21 the States under grants, cooperative agree-
22 ments, and contracts awarded by the na-
23 tional research institutes to support the
24 conduct of biomedical and behavioral re-
25 search.

1 “(D)(i) The term ‘NIH EPSCoR com-
2 mittee’ means, with respect to an EPSCoR
3 State, the single committee established for the
4 State under section 113 of the National Science
5 Foundation Authorization Act of 1988 (Public
6 Law 100–570), except as provided in clause
7 (ii).

8 “(ii) A committee referred to in clause (i)
9 is not an NIH EPSCoR committee for a State
10 for purposes of this section unless, when such
11 committee carries out activities pursuant to this
12 section, the following conditions are met:

13 “(I) The membership of the com-
14 mittee includes individuals who are rep-
15 resentatives from the principal nonprofit
16 and for-profit biomedical and behavioral
17 research entities in the State.

18 “(II) The Governor and the State leg-
19 islature of the State concurred in the ap-
20 pointment of each of such representatives
21 to the committee.

22 “(III) The term of service for each of
23 such representatives is the same as the
24 term of office for the Governor of the
25 State.

1 “(E) The term ‘EPSCoR State fiscal
2 agent’ means a fiscal intermediary that has
3 been approved by an NIH EPSCoR committee
4 for a State, and that acts on behalf of such
5 committee by submitting applications to the
6 Federal Government for awards of grants, coop-
7 erative agreements, and contracts, and by dis-
8 bursing amounts from such awards.

9 “(b) TECHNICAL ASSISTANCE; RESEARCH PLANS.—
10 The Director of NIH may under subsection (a) enhance
11 the competitiveness of eligible institutions through (di-
12 rectly or by grant or contract)—

13 “(1) providing technical assistance to such in-
14 stitutions, including technical assistance in the prep-
15 aration of applications for obtaining funds from the
16 national research institutes;

17 “(2) assisting the institutions in developing a
18 plan for biomedical or behavioral research proposals;
19 and

20 “(3) assisting the institutions in implementing
21 such plan.

22 “(c) FORMULA GRANTS FOR INCREASING INSTITU-
23 TIONAL CAPACITY.—

24 “(1) IN GENERAL.—In the case of each
25 EPSCoR State fiscal agent that in accordance with

1 paragraph (3) submits to the Director of NIH an
2 application for a fiscal year, the Director shall under
3 subsection (a) make an award of a grant or coopera-
4 tive agreement for the fiscal year to such agent for
5 disbursement to eligible institutions in such State to
6 carry out the purposes described in paragraph (2)
7 (subject to amounts being appropriated under sub-
8 section (e) for the fiscal year). The grant shall con-
9 sist of the allotment determined for the State under
10 paragraph (4).

11 “(2) AUTHORIZED EXPENDITURES.—The pur-
12 poses referred to in paragraph (1) with respect to an
13 EPSCoR State are as follows:

14 “(A) Improving the capacity of eligible in-
15 stitutions in the State to conduct biomedical
16 and behavioral research through providing for
17 faculty-related enhancement and development
18 programs (or other programs regarding profes-
19 sional staff); student programs; training pro-
20 grams; obtaining equipment, including instru-
21 mentation; obtaining facilities, including the
22 construction or renovation of facilities; estab-
23 lishing collaborative professional relationships
24 with other public or private research entities;

1 and other programs or activities determined by
2 the Director of NIH to be appropriate.

3 “(B) Carrying out projects that will have
4 significant short-term impact with respect to
5 improving the capacity of the institutions to
6 conduct biomedical and behavioral research.

7 “(3) APPLICATION FOR GRANT; CERTAIN RE-
8 QUIREMENTS.—An application under paragraph (1)
9 for an award for a fiscal year regarding an EPSCoR
10 State is in accordance with this paragraph if the fol-
11 lowing conditions are met:

12 “(A) The application identifies the specific
13 needs of eligible institutions in the EPSCoR
14 State with respect to the purposes described in
15 subparagraphs (A) and (B) of paragraph (2),
16 including identifying the categories of research
17 that are to receive priority.

18 “(B) The application contains a plan for
19 obtaining public or private funds (other than
20 from awards under paragraph (1)) to continue
21 in effect the improvements to be made with re-
22 spect to such institutions pursuant to the
23 award.

24 “(C) The EPSCoR State fiscal agent
25 agrees that, not later than 60 days after the

1 end of the fiscal year, the agent will submit to
2 the Director of NIH a report describing the
3 purposes for which the award was obligated or
4 expended.

5 “(D) The application meets such additional
6 requirements as the Director of NIH may es-
7 tablish, except that the Director may not re-
8 quire that non-Federal contributions be pro-
9 vided as a condition of receiving the award.

10 “(E) The NIH EPSCoR committee for the
11 State has approved the application as ade-
12 quately meeting the conditions described in sub-
13 paragraphs (A) through (D).

14 “(4) AMOUNT OF AWARD.—For purposes of
15 paragraph (1), an allotment for an EPSCoR State
16 for a fiscal year is determined in accordance with
17 this paragraph if the allotment is the quotient of—

18 “(A) the amount appropriated under sub-
19 section (e) and available for awards under para-
20 graph (1); divided by

21 “(B) the number of EPSCoR States for
22 which applications for awards under paragraph
23 (1) for the fiscal year are submitted in accord-
24 ance with paragraph (3).

25 “(d) EPSCoR COFUNDING PROGRAM.—

1 “(1) IN GENERAL.—The Director of NIH shall
2 under subsection (a) make awards of grants to eligi-
3 ble institutions for the purpose of carrying out
4 projects of research within categories identified
5 under subsection (c)(3)(A) as priorities for the eligi-
6 ble institutions involved.

7 “(2) COFUNDING.—

8 “(A) IN GENERAL.—The Director of NIH
9 may make an award under paragraph (1) only
10 if, in addition to such award, the project in-
11 volved will receive funding from one or more
12 other programs that are carried out by any of
13 the national research institutes (which other
14 programs are in this subsection referred to as
15 ‘Coprograms’).

16 “(B) ALLOCATION BETWEEN PROGRAMS.—
17 Of the total amount made available for a
18 project of an eligible institution pursuant to an
19 award under paragraph (1) and awards under
20 the Coprograms involved, not more than 50
21 percent may be provided in the award under
22 paragraph (1).

23 “(3) PRIORITIES.—In making awards under
24 paragraph (1), the Director of NIH shall give pri-
25 ority to the following projects:

1 “(A) Projects whose principal researchers
2 will be individuals who have not previously
3 served as principal researchers of projects sup-
4 ported by any of the national research insti-
5 tutes.

6 “(B) With respect to the process for peer
7 review of applications for awards, projects
8 whose applications under Coprograms were ap-
9 proved in such process but whose rankings pre-
10 cluded the provision of awards.

11 “(C) Projects that involve multiple areas of
12 research, each of which areas has, at the eligi-
13 ble institution involved, received funding under
14 this section.

15 “(4) CERTAIN REQUIREMENTS.—An award
16 under paragraph (1) may be made only if the appli-
17 cation for the award meets the following require-
18 ments:

19 “(A) The application identifies the specific
20 activities to be carried out with respect to the
21 purpose described in paragraph (1).

22 “(B) The application meets such additional
23 requirements as the Director of NIH may es-
24 tablish.

1 “(C) The NIH EPSCoR committee for the
2 State has approved the application as meeting
3 the requirements under this paragraph, and as
4 being consistent with the strategy adopted by
5 the State with respect to the purpose described
6 in subsection (a)(1).

7 “(e) FUNDING.—

8 “(1) AUTHORIZATION OF APPROPRIATIONS.—
9 For the purpose of carrying out this section, there
10 are authorized to be appropriated \$200,000,000 for
11 fiscal year 2000, and such sums as may be nec-
12 essary for each of the fiscal years 2001 through
13 2004.

14 “(2) ALLOCATION REGARDING TECHNICAL AS-
15 SISTANCE AND RESEARCH PLANS.—Of the amounts
16 appropriated under paragraph (1) for a fiscal year,
17 the Director of NIH shall reserve 10 percent for car-
18 rying out subsection (b).

19 “(3) ALLOCATION REGARDING FORMULA
20 GRANTS FOR INCREASING INSTITUTIONAL CAPACITY;
21 ALLOCATION REGARDING COFUNDING PROGRAM.—Of
22 the amounts appropriated under paragraph (1) for
23 a fiscal year and available after compliance with
24 paragraph (2), the Director of NIH shall reserve 50

1 percent for awards under subsection (c) and 50 per-
2 cent for awards under subsection (d)(1).

3 “(4) ADDITIONAL FUNDING FOR COFUNDING
4 PROGRAM.—In addition to amounts reserved under
5 paragraph (3) for making awards under subsection
6 (d)(1), the Director of NIH shall reserve for making
7 such awards all savings in the indirect costs of
8 projects of research supported by the national re-
9 search institutes that are achieved as a result of car-
10 rying out projects in EPSCoR States rather than in
11 other States.”.

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