

116TH CONGRESS  
2D SESSION

# H. R. 7544

To amend the Public Health Service Act to require reporting by the National Institutes of Health on requests for funding research that were not granted and had the greatest potential for improving public health, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2020

Mr. LEWIS (for himself, Ms. KELLY of Illinois, Mr. GRIJALVA, and Ms. JACKSON LEE) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to require reporting by the National Institutes of Health on requests for funding research that were not granted and had the greatest potential for improving public health, and for other purposes.

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 “Missed Opportunities  
5 in Public Health and Biomedical Research Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Biomedical research sponsored by the Na-  
2           tional Institutes of Health (referred to in this section  
3           as the “NIH”) provides numerous treatments and  
4           discoveries that improve and save lives, defend the  
5           Nation against bioterrorism and emerging  
6           pandemics, strengthen the national economy, and  
7           support the next generation of researchers in the  
8           United States.

9           (2) While the NIH is the largest source of  
10          funding for medical research in the world, the per-  
11          centage of grants awarded has fallen over the last  
12          20 years.

13          (3) The NIH Center for Scientific Review  
14          works with over 25,000 expert reviewers and applies  
15          the highest level of scientific and ethical standards  
16          to almost 50,000 competitive grant applications  
17          every year.

18          (4) The NIH’s peer review process is a time-  
19          tested and proven method of identifying the most  
20          promising biomedical research proposals.

21 **SEC. 3. ANNUAL REPORTING BY NIH ON MISSED OPPORTU-**  
22 **NITIES.**

23          The Public Health Service Act (42 U.S.C. 201 et  
24          seq.) is amended by inserting after section 403D of such  
25          Act (42 U.S.C. 283a–3) the following:

1 **“SEC. 403E. ANNUAL REPORTING ON MISSED OPPORTUNI-**  
2 **TIES.**

3 “(a) IN GENERAL.—Not later than the last day of  
4 the first fiscal quarter following the end of each fiscal  
5 year, the Director of NIH shall submit a report to Con-  
6 gress identifying, with respect to each national research  
7 institute, each national center, and the Office of the Direc-  
8 tor of NIH—

9 “(1) the success rate of research project grant  
10 applications reviewed during such fiscal year;

11 “(2) the top two research project grant applica-  
12 tions reviewed during such fiscal year that were not  
13 funded; and

14 “(3) if the success rate described in paragraph  
15 (1) is lower than 32 percent, the top research  
16 project grant applications that were reviewed and  
17 could have been funded to achieve a success rate of  
18 at least 32 percent.

19 “(b) TRADE SECRETS AND CONFIDENTIAL INFORMA-  
20 TION; RESEARCHER NAMES.—This section does not au-  
21 thorize the Secretary to disclose—

22 “(1) any information that is a trade secret or  
23 confidential information subject to section 552(b)(4)  
24 of title 5, United States Code, or section 1905 of  
25 title 18, United States Code; or

1           “(2) the names of the researchers proposed to  
2 carry out research pursuant to unfunded research  
3 project grant applications described in subsection  
4 (a).

5           “(c) DEFINITIONS.—In this section:

6           “(1) The term ‘success rate’ means the percent-  
7 age of research project grant applications reviewed  
8 during the respective fiscal year that received fund-  
9 ing.

10           “(2) The term ‘top’ means having the greatest  
11 potential for—

12                   “(A) improving public health;

13                   “(B) advancing biomedical and behavioral  
14 research; and

15                   “(C) increasing fundamental knowledge  
16 about the nature and behavior of living systems,  
17 and the application of that knowledge towards  
18 enhancing health, lengthening life, and reducing  
19 illness and disability.”.

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