

## LEGISLATIVE PROPOSALS

**Discretionary Legislative Proposals****Expanding the Hiring Authorities for NIH Undergraduate Scholarship Program.**

In an effort to improve equity in STEM (science, technology, engineering, and math) education, the National Institutes of Health (NIH) Undergraduate Scholarship Program (UGSP) offers competitive college scholarships to students from disadvantaged backgrounds. The program offers college scholarships, up to \$20,000 annually, in return for two payback obligations in the form of service to NIH under 42 CFR § 68b.7. The proposal would allow for expanding the hiring authorities that may be used to appoint awardees in the Undergraduate Scholarship Program (UGSP), allowing the use of the more appropriate Intramural Research Training Award hiring authority to appoint all scholarship awardees during the summer payback and some award recipients during the full-year payback obligation. This would allow awardees to receive benefits and support provided to other NIH public health interns and trainees, and would streamline administration of the program compared to appointing awardees using the time-consuming Title 42 employee appointment authority.

**Permit the Mailing of Electronic Nicotine Delivery Systems Through the United States Postal Service for Certain Research and Public Health Purposes.**

The Prevent All Cigarette Trafficking Act of 2009 (PACT Act), Public Law 111–154, codified in 18 U.S.C. 1716E, imposes certain restrictions on the mailing of cigarettes and smokeless tobacco. Title VI of Division FF of the Consolidated Appropriations Act of 2021 instructed the U.S. Postal Service (USPS) to apply the same restrictions to the mailing of electronic nicotine delivery systems (ENDS). The proposal would allow the mailing of ENDS for the purposes of conducting public health research, investigations, and surveillance. This would remove restrictions that are creating serious obstacles to the ability of NIH-funded researchers to obtain consistent ENDS products and to conduct research on the factors that contribute to ENDS use and addiction, and the potential long-term health consequences of ENDS.

**Mandatory Legislative Proposals****Reauthorization of the Special Statutory Funding Program for Type 1 Diabetes Research.**

Codified in Section 330B of the PHS Act, this Program began in FY 1998 with a funding level of \$30 million per year over 5 years. In December 2000, the Program was renewed to increase the FY 2001 and 2002 levels to \$100 million and to extend the FY 2003 level at \$100 million of mandatory funds. In December 2002, the Program was extended and increased to \$150 million per year for FY 2004-2008. The Program has subsequently been extended multiple times at this annual level of \$150 million. Most recently, the Program was extended at a level of \$150 million per year for FY 2021-2023.<sup>96</sup> No funding will be provided after September 30, 2023, without a reauthorization. The proposal would reauthorize the NIH Special Diabetes Program for Type 1 Diabetes Research at an annual amount of \$250 million in FY 2024, \$260 million in FY

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<sup>96</sup> The final FY 2023 funding level of \$141.450 million for Type 1 Diabetes reflects the 5.7 percent reduction for Budget Control Act sequestration.

2025, and \$270 million in FY 2026. The three-year reauthorization would facilitate planning of long-term research projects, and the reauthorized funding level would restore the lost purchasing power of the program since it was last increased to the level of \$150 million in FY 2004.

**Provide Outyear Funding and Enhanced Operating Authorities to the National Cancer Institute to Conduct Initiatives to Deliver Cancer Moonshot Goals.**

In February 2022, President Biden announced a reignition of the Cancer Moonshot, highlighting new goals: to reduce the cancer death rate by half within 25 years to improve the lives of people with cancer and cancer survivors, and to reduce cancer health disparities. The legislative proposal extends the 21st Century Cures Act authorization through FY 2026 and would provide \$1.448 billion of mandatory funding in each of FY 2025 and FY 2026 to advance Cancer Moonshot priorities, including doubling cancer clinical trial accruals and establishing a comprehensive cancer data ecosystem to accelerate the pace of cancer discovery and speed the introduction of precision oncology into clinical practice.<sup>97</sup> The proposal would also grant NCI three key operating authorities – Other Transactions Authority, Management and Operating Authority, and Strategic Partnership Authority – to support these Cancer Moonshot efforts.

Other Transaction (OT) Authority for Cancer Moonshot activities would enable NCI to scale up clinical trials and other National Cancer program activities to deliver Cancer Moonshot goals. Grants and contracts would remain the norm for many NCI awards, but OT Authority would enable accelerated progress toward cutting cancer deaths in half. OT Authority would permit NCI to take a more active, substantive role in managing the science of trials and would allow NCI to bring non-traditional partners, companies, and individuals into NCI’s expanded and re-engineered clinical trial enterprise. This language would provide authorities similar to those available to the *All of Us* program under the 21st Century Cures Act.

Management and Operating (M&O) Authority would grant the NCI Frederick National Laboratory for Cancer (FNLCR) access to a valuable authority that other U.S. national laboratories enjoy, but FNLCR currently lacks. Unlike many of the other existing Federally Funded Research and Development Centers (FFRDCs) at national labs, the NCI FFRDC only has access to basic, limited FFRDC authorities under current law. M&O contracting, as defined by Federal Acquisition Regulations (FAR) subpart 17.6, would be especially beneficial to deliver rapid, creative solutions required for Cancer Moonshot success.

Strategic Partnership Authority would give FNLCR the flexibility to conduct research, development, commercialization, and training activities with or on behalf of other public or private research labs, allowing the labs to access the unique FNLCR facilities, services, and technical expertise to advance cancer science and Moonshot priorities. Another advantage of Strategic Partnerships is the possibility of establishing more flexible terms for intellectual property and licensing rights. This authority would include allowing NCI to accept, retain, and use funds and tangible and intangible property provided by others to support such activities. The authority also allows any funds received to support such activities to remain available until expended.

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<sup>97</sup> For more information on the reignited Cancer Moonshot, see the NCI FY 2024 Congressional Justification.