

112TH CONGRESS
1ST SESSION

H. R. 3206

To amend the Federal Food, Drug, and Cosmetic Act with respect to appointments to advisory committees and conflicts of interest.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 2011

Mr. BURGESS (for himself, Mr. CASSIDY, Mr. BILBRAY, Mr. GINGREY of Georgia, Mr. PAULSEN, Mr. GUTHRIE, Mrs. BLACKBURN, Mr. SHIMKUS, and Mr. LATTA) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to appointments to advisory committees and conflicts of interest.

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 “Cultivating Scientific
5 Expertise to Foster Innovation for Patients Act of 2011”.

6 **SEC. 2. CONFLICTS OF INTEREST.**

7 (a) EVALUATION OF INDIVIDUAL APPOINTMENTS TO
8 ADVISORY COMMITTEES.—Paragraph (2) of section

1 712(b) of the Federal Food, Drug, and Cosmetic Act (21
2 U.S.C. 379d–1(b)) is amended to read as follows:

3 “(2) EVALUATION AND CRITERIA.—

4 “(A) PURPOSES.—The purposes of this
5 paragraph are—

6 “(i) to ensure that the Secretary has
7 access to the most current expert advice;
8 and

9 “(ii) to promote scientific exchange
10 and the use of sound science to guide Food
11 and Drug Administration evaluations and
12 decisionmaking.

13 “(B) IN GENERAL.—The Secretary shall
14 ensure that individual appointments to advisory
15 committees are made to promote scientific and
16 technical expertise while at the same time mini-
17 mizing any potential conflicts of interest.

18 “(C) CONSIDERATIONS.—In making each
19 such appointment, the Secretary shall consider,
20 with respect to any financial interest consti-
21 tuting a potential conflict of interest—

22 “(i) the type of the financial interest;

23 “(ii) the nature of the financial inter-
24 est; and

1 “(iii) the magnitude, expressed as a
2 range, of the financial interest.

3 “(D) NO ONE FACTOR DISPOSITIVE.—No
4 one factor specified in clause (i), (ii), or (iii) of
5 subparagraph (C) shall be dispositive in the
6 Secretary’s evaluation of a particular financial
7 interest.”.

8 (b) ELIMINATION OF LIMITATION ON CERTAIN WAIV-
9 ERS AND EXCEPTIONS.—Section 712(c)(2) of the Federal
10 Food, Drug, and Cosmetic Act (21 U.S.C. 379d–1(c)(2))
11 is amended by striking subparagraph (C).

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