

(E) Waiver

At the request of any national research institute or national center, the Director of NIH may waive the application of this paragraph to such institute or center if the Director finds that the conduct or support of research described in subparagraph (B) is inconsistent with the mission of such institute or center.

(d) Transfer authority

Of the total amount appropriated under subsection (a)(1) for a fiscal year, the Director of NIH may (in addition to the reservation under subsection (c)(1) for such year) transfer not more than 1 percent for programs or activities that are authorized in this subchapter and identified by the Director to receive funds pursuant to this subsection. In making such transfers, the Director may not decrease any appropriation account under subsection (a)(1) by more than 1 percent.

(e) Rule of construction

This section may not be construed as affecting the authorities of the Director of NIH under section 281 of this title.

(July 1, 1944, ch. 373, title IV, §402A, as added Pub. L. 109-482, title I, §103(a), Jan. 15, 2007, 120 Stat. 3685; amended Pub. L. 113-94, §3(b), Apr. 3, 2014, 128 Stat. 1087; Pub. L. 114-255, div. A, title II, §§2001, 2031(b), 2042(a), Dec. 13, 2016, 130 Stat. 1047, 1056, 1073.)

AMENDMENTS

2016—Subsec. (a)(1)(D) to (F). Pub. L. 114-255, §2001, added subpars. (D) to (F).

Subsec. (c)(1)(C). Pub. L. 114-255, §2031(b), substituted “As part of the National Institutes of Health Strategic Plan required under section 282(m) of this title,” for “Not later than June 1, 2007, and every 2 years thereafter.”

Subsec. (c)(2)(B). Pub. L. 114-255, §2042(a)(1), amended subpar. (B) generally. Prior to amendment, text read as follows: “Not later than January 1, 2008, and each January 1st thereafter—

“(i) the head of each national research institute or national center shall submit to the Director of NIH a report on the amount made available by the institute or center for conducting or supporting research that involves collaboration between the institute or center and 1 or more other national research institutes or national centers; and

“(ii) the Secretary shall submit a report to the Congress identifying the percentage of funds made available by each national research institute and national center with respect to such fiscal year for conducting or supporting research described in clause (i).”

Subsec. (c)(2)(D), (E). Pub. L. 114-255, §2042(a)(2), substituted “(B)” for “(B)(i)”.

2014—Subsec. (a). Pub. L. 113-94, §3(b)(1)(B), which directed amendment of subsec. (a) by striking “For purposes of carrying out this subchapter” and inserting par. (1) designation, heading, and “For purposes of carrying out this subchapter”, was executed by striking “For the purpose of carrying out this subchapter” and making the insertions as directed, to reflect the probable intent of Congress.

Pub. L. 113-94, §3(b)(1)(A), redesignated pars. (1) to (3) as subpars. (A) to (C), respectively, and realigned margins.

Subsec. (a)(2). Pub. L. 113-94, §3(b)(1)(C), added par. (2). Former par. (2) redesignated subpar. (B) of par. (1).

Subsecs. (c)(1)(B), (D), (d). Pub. L. 113-94, §3(b)(2), substituted “subsection (a)(1)” for “subsection (a)” wherever appearing.

EFFECTIVE DATE

Section applicable only with respect to amounts appropriated for fiscal year 2007 or subsequent fiscal years, see section 109 of Pub. L. 109-482, set out as an Effective Date of 2007 Amendment note under section 281 of this title.

SUPPLEMENT, NOT SUPPLANT; PROHIBITION AGAINST TRANSFER

Pub. L. 113-94, §3(c), Apr. 3, 2014, 128 Stat. 1087, provided that: “Funds appropriated pursuant to section 402A(a)(2) of the Public Health Service Act [42 U.S.C. 282a(a)(2)], as added by subsection (b)—

“(1) shall be used to supplement, not supplant, the funds otherwise allocated by the National Institutes of Health for pediatric research; and

“(2) notwithstanding any transfer authority in any appropriation Act, shall not be used for any purpose other than allocating funds for making grants as described in section 402(b)(7)(B)(ii) of the Public Health Service Act [42 U.S.C. 282(b)(7)(B)(ii)], as added by subsection (a).”

§ 282b. Electronic coding of grants and activities

The Secretary, acting through the Director of NIH, shall establish an electronic system to uniformly code research grants and activities of the Office of the Director and of all the national research institutes and national centers. The electronic system shall be searchable by a variety of codes, such as the type of research grant, the research entity managing the grant, and the public health area of interest. When permissible, the Secretary, acting through the Director of NIH, shall provide information on relevant literature and patents that are associated with research activities of the National Institutes of Health.

(July 1, 1944, ch. 373, title IV, §402B, as added Pub. L. 109-482, title I, §104(a)(3), Jan. 15, 2007, 120 Stat. 3689.)

EFFECTIVE DATE

Section applicable only with respect to amounts appropriated for fiscal year 2007 or subsequent fiscal years, see section 109 of Pub. L. 109-482, set out as an Effective Date of 2007 Amendment note under section 281 of this title.

§ 282c. Public access to funded investigators' final manuscripts

The Director of the National Institutes of Health (“NIH”) shall require in the current fiscal year and thereafter that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

(Pub. L. 111-8, div. F, title II, §217, Mar. 11, 2009, 123 Stat. 782.)

CODIFICATION

Section was enacted as part of the Department of Health and Human Services Appropriations Act, 2009, and also as part of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009, and the Omnibus Appro-