

117TH CONGRESS
1ST SESSION

H. R. 623

To require certain civil penalties to be transferred to a fund through which amounts are made available for the Gabriella Miller Kids First Pediatric Research Program at the National Institutes of Health, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Ms. WEXTON (for herself, Mr. COLE, Mr. WELCH, Mr. BILIRAKIS, Mr. MCKINLEY, Mr. BUTTERFIELD, Mr. CONNOLLY, Mr. COHEN, Mr. CÁRDENAS, Ms. BARRAGÁN, Mr. O'HALLERAN, Ms. SPANBERGER, Mr. MULLIN, Mr. EVANS, Ms. SCANLON, Mr. TONKO, Ms. MATSUI, and Ms. PRESSLEY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require certain civil penalties to be transferred to a fund through which amounts are made available for the Gabriella Miller Kids First Pediatric Research Program at the National Institutes of 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Gabriella Miller Kids
3 First Research Act 2.0”.

4 **SEC. 2. TRANSFER OF FUNDS TO THE PEDIATRIC RE-**
5 **SEARCH INITIATIVE.**

6 Section 30A of the Securities Exchange Act of 1934
7 (15 U.S.C. 78dd–1) is amended by adding at the end the
8 following:

9 “(h) **TRANSFER OF AMOUNTS.**—

10 “(1) **IN GENERAL.**—Except as provided under
11 section 21F(g)(3), the Secretary of the Treasury
12 shall transfer to the Pediatric Research Initiative
13 Fund described in section 9008(i)(2) of the Internal
14 Revenue Code of 1986 (the ‘Fund’), an amount
15 equal to the sum of all civil monetary sanctions, in-
16 cluding penalties, disgorgement, and interest, recov-
17 ered under this section, section 13(b)(2), or section
18 32(c), including pursuant to any settlement agree-
19 ment or other resolution with the Commission, from
20 persons—

21 “(A) registered under section 510(b)(1) or
22 section 510(i)(1)(A)(i) of the Federal Food,
23 Drug, and Cosmetic Act;

24 “(B) that produce, manufacture, sell,
25 transport, or distribute dietary supplements (as

1 defined in section 201(ff) of the Federal Food,
2 Drug, and Cosmetic Act); or

3 “(C) that produce, manufacture, sell,
4 transport, or distribute cosmetics (as defined in
5 section 201(i) of the Federal Food, Drug, and
6 Cosmetic Act).

7 “(2) EXCEPTION FOR FUNDS TO BE PAID TO
8 HARMED INVESTORS.—Paragraph (1) shall not
9 apply to any monetary sanction collected by the
10 Commission in any judicial or administrative action
11 brought by the Commission under the securities laws
12 that is added to a disgorgement fund or other fund
13 under section 308 of the Sarbanes-Oxley Act of
14 2002 (15 U.S.C. 7246).

15 “(3) APPLICATION.—Amounts transferred to
16 the Fund under this subsection shall—

17 “(A) be transferred in the manner de-
18 scribed under section 9601 of the Internal Rev-
19 enue Code of 1986; and

20 “(B) be available as described in section
21 9008(i)(2) of such Code.”.

22 **SEC. 3. FUNDING FOR THE PEDIATRIC RESEARCH INITIA-**
23 **TIVE.**

24 (a) Section 402A(a)(2) of the Public Health Service
25 Act (42 U.S.C. 282a(a)(2)) is amended—

1 (1) in the heading, by striking “10-YEAR”;

2 (2) by striking “the Common Fund” and insert-
3 ing “the Division of Program Coordination, Plan-
4 ning, and Strategic Initiatives”;

5 (3) by striking “10-Year”; and

6 (4) by inserting before the period the following:

7 “, and amounts transferred into the Pediatric Re-
8 search Initiative Fund under section 30A(h) of the
9 Securities Exchange Act of 1934”.

10 (b) Section 402(b)(7)(B)(ii) of the Public Health
11 Service Act (42 U.S.C. 282(b)(7)(B)(ii)) is amended by
12 striking “the Common Fund” and inserting “the Division
13 of Program Coordination, Planning, and Strategic Initia-
14 tives”.

15 (c) Section 9008(i)(2) of the Internal Revenue Code
16 of 1986 is amended by striking “10-year”.

17 **SEC. 4. COORDINATION OF NIH FUNDING FOR PEDIATRIC**
18 **RESEARCH.**

19 (a) SENSE OF CONGRESS.—It is the sense of the Con-
20 gress that the Director of the National Institutes of
21 Health should oversee and coordinate research that is con-
22 ducted or supported by the National Institutes of Health
23 for research on pediatric cancer and other pediatric dis-
24 eases and conditions, including through the Pediatric Re-
25 search Initiative Fund.

1 (b) A V O I D I N G D U P L I C A T I O N.—Section
2 402(b)(7)(B)(ii) of the Public Health Service Act (42
3 U.S.C. 282(b)(7)(B)(ii)) is amended by inserting “and
4 shall prioritize such pediatric research that does not dupli-
5 cate existing research activities of the National Institutes
6 of Health” before “; and”.

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