

117TH CONGRESS
1ST SESSION

S. 1521

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 SENATE OF THE UNITED STATES

APRIL 29, 2021

Mr. KAINE (for himself, Mr. MORAN, Mr. WARNER, Mr. CASSIDY, Mr. CASEY, Mr. RUBIO, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

3 Section 30A of the Securities Exchange Act of 1934
 4 (15 U.S.C. 78dd–1) is amended by adding at the end the
 5 following:

6 “(h) TRANSFER OF AMOUNTS.—

7 “(1) IN GENERAL.—Except as provided under
 8 section 21F, the Secretary of the Treasury shall
 9 transfer to the Pediatric Research Initiative Fund
 10 described in section 9008(i)(2) of the Internal Rev-
 11 enue Code of 1986 (referred to in this subsection as
 12 the ‘Fund’), an amount equal to the sum of all civil
 13 monetary sanctions, including penalties,
 14 disgorgement, and interest, recovered with respect to
 15 violations of this section and section 13(b)(2) from
 16 persons—

17 “(A) registered under subsection (b)(1) or
 18 (i)(1)(A)(i) of section 510 of the Federal Food,
 19 Drug, and Cosmetic Act (21 U.S.C. 360);

20 “(B) registered under subsection (b)(2) or
 21 (i)(1)(A)(ii) of section 510 of the Federal Food,
 22 Drug, and Cosmetic Act (21 U.S.C. 360);

23 “(C) that produce, manufacture, sell,
 24 transport, or distribute dietary supplements (as
 25 defined in section 201(ff) of the Federal Food,

1 Drug, and Cosmetic Act (21 U.S.C. 321(ff)));
 2 or

3 “(D) 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 (21 U.S.C. 321(i))).

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 be—

17 “(A) transferred in the manner described
 18 in section 9601 of the Internal Revenue Code of
 19 1986; and

20 “(B) 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) IN GENERAL.—Section 402A(a)(2) of the Public
 25 Health Service Act (42 U.S.C. 282a(a)(2)) is amended—

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

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

6 (3) by striking “10-Year”; and

7 (4) by inserting before the period the following:
8 “, and amounts transferred into the Pediatric Re-
9 search Initiative Fund under subsection (h) of sec-
10 tion 30A of the Securities Exchange Act of 1934 (15
11 U.S.C. 78dd–1)”.

12 (b) NIH DIRECTOR.—Section 402(b)(7)(B)(ii) of the
13 Public Health Service Act (42 U.S.C. 282(b)(7)(B)(ii)) is
14 amended by striking “the Common Fund” and inserting
15 “the Division of Program Coordination, Planning, and
16 Strategic Initiatives”.

17 (c) USE OF AMOUNTS FOR INITIATIVE.—Section
18 9008(i)(2) of the Internal Revenue Code of 1986 is
19 amended by striking “10-year”.

20 **SEC. 4. COORDINATION OF NIH FUNDING FOR PEDIATRIC**
21 **RESEARCH.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the Director of the National Institutes of
24 Health should oversee and coordinate research that is con-
25 ducted or supported by the National Institutes of Health

1 for research on pediatric cancer and other pediatric dis-
2 eases and conditions, including through the Pediatric Re-
3 search Initiative Fund.

4 (b) AVOIDING DUPLICATION.—Section
5 402(b)(7)(B)(ii) of the Public Health Service Act (42
6 U.S.C. 282(b)(7)(B)(ii)) is amended by inserting “and
7 shall prioritize such pediatric research that does not dupli-
8 cate existing research activities of the National Institutes
9 of Health” before “; and”.

○