

Calendar No. 224118TH CONGRESS
1ST SESSION**S. 1624**

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

MAY 16, 2023

Mr. KAINE (for himself, Mr. MORAN, Mr. HEINRICH, Mr. RUBIO, Ms. SMITH, Mr. DAINES, Mr. WELCH, Mrs. CAPITO, Mr. BUDD, Mr. WARNER, Mr. VAN HOLLEN, Ms. MURKOWSKI, Mr. CASEY, Mr. LUJÁN, and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

OCTOBER 4, 2023

Reported by Mr. SANDERS, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

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”.

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

8 Section 30A of the Securities Exchange Act of 1934
 9 (~~15 U.S.C. 78dd-1~~) is amended by adding at the end the
 10 following:

11 “(h) TRANSFER OF AMOUNTS.—

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

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

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

4 “(C) that produce, manufacture, sell,
5 transport, or distribute dietary supplements (as
6 defined in section 201(ff) of the Federal Food,
7 Drug, and Cosmetic Act (21 U.S.C. 321(ff)));
8 or

9 “(D) that produce, manufacture, sell,
10 transport, or distribute cosmetics (as defined in
11 section 201(i) of the Federal Food, Drug, and
12 Cosmetic Act (21 U.S.C. 321(i))).

13 “(2) EXCEPTION FOR FUNDS TO BE PAID TO
14 HARMED INVESTORS.—Paragraph (1) shall not
15 apply to any monetary sanction collected by the
16 Commission in any judicial or administrative action
17 brought by the Commission under the securities laws
18 that is added to a disgorgement fund or other fund
19 under section 308 of the Sarbanes-Oxley Act of
20 2002 (15 U.S.C. 7246).

21 “(3) APPLICATION.—Amounts transferred to
22 the Fund under this subsection shall be—

23 “(A) transferred in the manner described
24 in section 9601 of the Internal Revenue Code of
25 1986; and

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

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

5 (a) **IN GENERAL.**—Section 402A(a)(2) of the Public
6 Health Service Act (42 U.S.C. 282a(a)(2)) is amended—

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

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

12 (3) by striking “10-Year”; and

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

18 (b) **NIH DIRECTOR.**—Section 402(b)(7)(B)(ii) of the
19 Public Health Service Act (42 U.S.C. 282(b)(7)(B)(ii)) is
20 amended by striking “the Common Fund” and inserting
21 “the Division of Program Coordination, Planning, and
22 Strategic Initiatives”.

23 (c) **USE OF AMOUNTS FOR INITIATIVE.**—Section
24 9008(i)(2) of the Internal Revenue Code of 1986 is
25 amended by striking “10-year”.

1 **SEC. 4. COORDINATION OF NIH FUNDING FOR PEDIATRIC**
2 **RESEARCH.**

3 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
4 gress that the Director of the National Institutes of
5 Health should oversee and coordinate research that is con-
6 ducted or supported by the National Institutes of Health
7 for research on pediatric cancer and other pediatric dis-
8 eases and conditions, including through the Pediatric Re-
9 search Initiative Fund.

10 (b) **AVOIDING DUPLICATION.**—Section
11 402(b)(7)(B)(ii) of the Public Health Service Act (42
12 U.S.C. 282(b)(7)(B)(ii)) is amended—

13 (1) by striking “grants” and inserting
14 “awards”; and

15 (2) by inserting “and shall prioritize such pedi-
16 atric research that does not duplicate existing re-
17 search activities of the National Institutes of
18 Health” before “; and”.

19 **SEC. 5. REPORT ON PROGRESS AND INVESTMENTS IN PEDI-**
20 **ATRIC RESEARCH.**

21 Not later than 4 years after the date of the enact-
22 ment of this Act, the Secretary of Health and Human
23 Services shall submit to the Committee on Health, Edu-
24 cation, Labor, and Pensions of the Senate and the Com-
25 mittee on Energy and Commerce of the House of Rep-
26 resentatives a report that—

1 (1) details pediatric research projects and ini-
 2 tiatives receiving funds allocated pursuant to section
 3 402(b)(7)(B)(ii) of the Public Health Service Act
 4 (42 U.S.C. 282(b)(7)(B)(ii)); and

5 (2) summarizes advancements made in pediatric
 6 research with funds allocated pursuant to section
 7 402(b)(7)(B)(ii) of the Public Health Service Act
 8 (42 U.S.C. 282(b)(7)(B)(ii)).

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Gabriella Miller Kids*
 11 *First Research Act 2.0”.*

12 **SEC. 2. FUNDING FOR THE PEDIATRIC RESEARCH INITIA-**
 13 **TIVE.**

14 (a) *IN GENERAL.*—Section 402A(a)(2) of the Public
 15 Health Service Act (42 U.S.C. 282a(a)(2)) is amended—

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

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

21 (3) *by striking “10-Year”; and*

22 (4) *by striking “this section, \$12,600,000 for*
 23 *each of fiscal years 2014 through 2023.” and insert-*
 24 *ing “this section—*

25 *“(A) \$12,600,000 for fiscal year 2024;*

1 “(B) \$15,100,000 for each of fiscal years
2 2025 and 2026;

3 “(C) \$17,600,000 for each of fiscal years
4 2027 and 2028;

5 “(D) \$20,100,000 for each of fiscal years
6 2029 and 2030;

7 “(E) \$22,600,000 for each of fiscal years
8 2031 and 2032; and

9 “(F) \$25,000,000 for fiscal year 2033.”.

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

15 (c) *USE OF AMOUNTS FOR INITIATIVE*.—Section
16 9008(i)(2) of the *Internal Revenue Code* of 1986 is amended
17 by striking “10-year”.

18 **SEC. 3. COORDINATION OF NIH FUNDING FOR PEDIATRIC**
19 **RESEARCH.**

20 (a) *SENSE OF CONGRESS*.—It is the sense of Congress
21 that the Director of the National Institutes of Health should
22 oversee and coordinate research that is conducted or sup-
23 ported by the National Institutes of Health for research on
24 pediatric cancer and other pediatric diseases and condi-

1 tions, including through the Pediatric Research Initiative
2 Fund.

3 (b) *AVOIDING DUPLICATION.*—Section 402(b)(7)(B)(ii)
4 of the Public Health Service Act (42 U.S.C.
5 282(b)(7)(B)(ii)) is amended—

6 (1) by striking “grants” and inserting “awards”;
7 and

8 (2) by inserting “and shall prioritize such pedi-
9 atric research that does not duplicate existing re-
10 search activities of the National Institutes of Health”
11 before “; and”.

12 **SEC. 4. REPORT ON PROGRESS AND INVESTMENTS IN PEDI-**
13 **ATRIC RESEARCH.**

14 Not later than 4 years after the date of the enactment
15 of this Act, the Secretary of Health and Human Services
16 shall submit to the Committee on Health, Education, Labor,
17 and Pensions of the Senate and the Committee on Energy
18 and Commerce of the House of Representatives a report
19 that—

20 (1) details pediatric research projects and initia-
21 tives receiving funds allocated pursuant to section
22 402(b)(7)(B)(ii) of the Public Health Service Act (42
23 U.S.C. 282(b)(7)(B)(ii)); and

24 (2) summarizes advancements made in pediatric
25 research with funds allocated pursuant to section

- 1 *402(b)(7)(B)(ii) of the Public Health Service Act (42*
- 2 *U.S.C. 282(b)(7)(B)(ii).*

Amend the title so as to read: “A bill to reauthorize the Gabriella Miller Kids First Pediatric Research Program at the National Institutes of Health, and for other purposes.”.

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