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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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.

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IN THE HOUSE OF REPRESENTATIVES

Ms. WEXTON introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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

18 “(A) registered under section 510(b)(1) or  
19 section 510(i)(1)(A)(i) of the Federal Food,  
20 Drug, and Cosmetic Act;

21 “(B) that produce, manufacture, sell,  
22 transport, or distribute dietary supplements (as  
23 defined in section 201(ff) of the Federal Food,  
24 Drug, and Cosmetic Act); or

25 “(C) that produce, manufacture, sell,  
26 transport, or distribute cosmetics (as defined in

1 section 201(i) of the Federal Food, Drug, and  
2 Cosmetic Act).

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

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

13 “(A) be transferred in the manner de-  
14 scribed under section 9601 of the Internal Rev-  
15 enue Code of 1986; and

16 “(B) be available as described in section  
17 9008(i)(2) of such Code.”.

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

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

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

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

1 (3) by striking “10-Year”; and

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

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

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

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

13 **SEC. 4. COORDINATION OF NIH FUNDING FOR PEDIATRIC**  
14 **RESEARCH.**

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

22 (b) AVOIDING DUPLICATION.—Section  
23 402(b)(7)(B)(ii) of the Public Health Service Act (42  
24 U.S.C. 282(b)(7)(B)(ii)) is amended by inserting “and  
25 shall prioritize such pediatric research that does not dupli-

- 1 cate existing research activities of the National Institutes
- 2 of Health” before “; and”.