

114TH CONGRESS  
1ST SESSION

# H. R. 2435

To amend the Federal Food, Drug, and Cosmetic Act with regard to the Reagan-Udall Foundation.

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IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2015

Mrs. BLACKBURN introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act with regard to the Reagan-Udall Foundation.

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. REAGAN-UDALL FOUNDATION FOR THE FOOD**

4 **AND DRUG ADMINISTRATION.**

5 (a) BOARD OF DIRECTORS.—

6 (1) COMPOSITION AND SIZE.—Section  
7 770(d)(1)(C) of the Federal Food, Drug, and Cos-  
8 metic Act (21 U.S.C. 379dd(d)(1)(C)) is amended—

9 (A) by redesignating clause (ii) as clause

10 (iii);

1 (B) by inserting after clause (i) the fol-  
2 lowing:

3 “(ii) ADDITIONAL MEMBERS.—The  
4 Board, through amendments to the bylaws  
5 of the Foundation, may provide that the  
6 number of voting members of the Board  
7 shall be a number (to be specified in such  
8 amendment) greater than 14. Any Board  
9 positions that are established by any such  
10 amendment shall be appointed (by majority  
11 vote) by the individuals who, as of the date  
12 of such amendment, are voting members of  
13 the Board and persons so appointed may  
14 represent any of the categories specified in  
15 subclauses (I) through (V) of clause (i), so  
16 long as no more than 30 percent of the  
17 total voting members of the Board (includ-  
18 ing members whose positions are estab-  
19 lished by such amendment) are representa-  
20 tives of the general pharmaceutical, device,  
21 food, cosmetic, and biotechnology indus-  
22 tries.”; and

23 (C) in clause (iii)(I), as redesignated by  
24 subparagraph (A), by striking “The ex officio  
25 members shall ensure” and inserting “The ex

1 officio members, acting pursuant to clause (i),  
2 and the Board, acting pursuant to clause (ii),  
3 shall ensure”.

4 (2) FEDERAL EMPLOYEES ALLOWED TO SERVE  
5 ON BOARD.—Clause (iii)(II) of section 770(d)(1)(C)  
6 of the Federal Food, Drug, and Cosmetic Act (21  
7 U.S.C. 379dd(d)(1)(C)), as redesignated by para-  
8 graph (1)(A), is amended by adding at the end the  
9 following: “For purposes of this section, the term  
10 ‘employee of the Federal Government’ does not in-  
11 clude a ‘special Government employee’, as that term  
12 is defined in section 202(a) of title 18, United  
13 States Code.”.

14 (3) STAGGERED TERMS.—Subparagraph (A) of  
15 section 770(d)(3) of the Federal Food, Drug, and  
16 Cosmetic Act (21 U.S.C. 379dd(d)(3)) is amended  
17 to read as follows:

18 “(A) TERM.—The term of office of each  
19 member of the Board appointed under para-  
20 graph (1)(C)(i), and the term of office of any  
21 member of the Board whose position is estab-  
22 lished pursuant to paragraph (1)(C)(ii), shall be  
23 4 years, except that—

24 “(i) the terms of offices for the mem-  
25 bers of the Board initially appointed under

1 paragraph (1)(C)(i) shall expire on a stag-  
2 gered basis as determined by the ex officio  
3 members; and

4 “(ii) the terms of office for the per-  
5 sons initially appointed to positions estab-  
6 lished pursuant to paragraph (1)(C)(ii)  
7 may be made to expire on a staggered  
8 basis, as determined by the individuals  
9 who, as of the date of the amendment es-  
10 tablishing such positions, are members of  
11 the Board.”.

12 (b) EXECUTIVE DIRECTOR COMPENSATION.—Section  
13 770(g)(2) of the Federal Food, Drug, and Cosmetic Act  
14 (21 U.S.C. 379dd(g)(2)) is amended by striking “but shall  
15 not be greater than the compensation of the Commis-  
16 sioner”.

17 (c) SEPARATION OF FUNDS.—Section 770(m) of the  
18 Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
19 379dd(m)) is amended by striking “are held in separate  
20 accounts from funds received from entities under sub-  
21 section (i)” and inserting “are managed as individual pro-  
22 grammatic funds under subsection (i), according to best  
23 accounting practices”.

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