



MEMORANDUM

September 4, 2020

To: Committee on Energy and Commerce Members and Staff

Fr: Committee on Energy and Commerce Staff

Re: Full Committee Markup of 38 Bills Pending before the Committee

On Wednesday, September 9, 2020, at 11 a.m. (EDT), via Cisco Webex online video conferencing, the Committee on Energy and Commerce will hold a virtual markup of the following bills:

H.R. 1289, the “Preserving Home and Office Numbers in Emergencies Act of 2019”; **H.R. 3957**, the “Expanding Broadcast Ownership Opportunities Act of 2019”; **H.R. 5564**, the “Enhancing Broadcaster Diversity and Inclusion by Verifying and Ensuring the Reporting required by Statute Is Transpiring and Yielding Data Act” or the “Enhancing Broadcaster DIVERSITY Data Act”; **H.R. 1379**, the “Ensuring Lasting Smiles Act”; **H.R. 945**, the “Mental Health Access Improvement Act of 2019”; **H.R. 2564**, the “Medicare Enrollment Protection Act”; **H.R. 8158**, A bill to amend title XVIII of the Social Security Act to waive budget neutrality for oxygen under the Medicare program, and for other purposes; **H.R. 2075**, the “School-Based Health Centers Reauthorization Act of 2019”; **H.R. 4078**, the “EARLY Act Reauthorization of 2019”; **H.R. 4764**, the “Timely ReAuthorization of Necessary Stem-cell Programs Lends Access to Needed Therapies Act of 2019” or the “TRANSPLANT Act of 2019”; **H.R. 5855**, the “Bipartisan Solution to Cyclical Violence Act of 2020”; **H.R. 3131**, the “South Asian Heart Health Awareness and Research Act of 2020”; **H.R. 7948**, the “Tribal Health Data Improvement Act of 2020”; **H.R. 5373**, the “United States Anti-Doping Agency Reauthorization Act of 2019”; **H.R. 2281**, the “Easy Medication Access and Treatment for Opioid Addiction Act”; **H.R. 2466**, the “State Opioid Response Grant Authorization Act”; **H.R. 3878**, the “Block, Report, And Suspend Shipments Act of 2019”; **H.R. 4812**, the “Ensuring Compliance Against Drug Diversion Act of 2019”; **H.R. 4806**, “Debarment Enforcement of Bad Actor Registrants Act of 2019” or the “DEBAR Act of 2019”; **H.R. 3797**, the “Medical Marijuana Research Act of 2019”; **H.R. 2519**, the “Improving Mental Health Access from the Emergency Department Act of 2019”; **H.R. 4861**, the “Effective Suicide Screening and Assessment in the Emergency Department Act of 2019”; **H.R. 1109**, the “Mental Health Services for Students Act”; **H.R. 3539**, the “Behavioral Intervention Guidelines Act of 2019”; **H.R. 7293**, the “Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2020” or the “STANDUP Act of 2020”; **H.R. 5469**, the “Pursuing Equity in Mental Health Act of 2019”; **H.R. 5572**, the “Family Support Services for Addiction Act of 2020”; **H.R. 4499**, the “NIMHD Research Endowment Revitalization Act of 2019”; **H.R. 4439**, the “Creating Hope Reauthorization Act”; **H.R. 8134**, the “Consumer Product Safety Inspection Enhancement

Act”; **H.R. 8128**, the “AI for Consumer Product Safety Act”; **H.R. 8132**, the “American Competitiveness Of a More Productive Emerging Tech Economy Act” or the “American COMPETE Act”; **H.R. 2610**, the “Stop Senior Scams Act”; **H.R. 6435**, the “Combating Pandemic Scams Act of 2020”; **H.R. 8121**, the “COVID-19 Home Safety Act”; **H.R. 1754**, the “Horsereading Integrity Act of 2019”; **H.R. 4447**, the “Expanding Access to Sustainable Energy Act of 2019”; and **H.R. 8159**, the “Department of Energy Organization and Management Improvement Act”.

I. H.R. 1289, THE “PRESERVING HOME AND OFFICE NUMBERS IN EMERGENCIES ACT OF 2019”

H.R. 1289, the “Preserving Home and Office Numbers in Emergencies Act of 2019”, introduced by Reps. Thompson (D-CA), Dunn (R-FL), Eshoo (D-CA), Kuster (D-NH), and Rooney (R-FL), would amend the Communications Act to prohibit providers of voice service from reassigning phone numbers of subscribers in area covered by a major disaster declaration, for the duration of the declaration. The prohibition may extend for a period of up to two years if requested by the subscriber. The bill also prohibits providers of voice service from assessing early termination fees to cancel service, or connection fees to re-subscribe at a new address, for subscribers whose residence is rendered inaccessible or uninhabitable due to a major disaster.

On March 10, 2020, the Subcommittee on Communications and Technology favorably forwarded H.R. 1289, as amended, to the full Committee by a voice vote.

II. H.R 3957, THE “EXPANDING BROADCAST OWNERSHIP OPPORTUNITIES ACT OF 2019”

H.R 3957, the “Expanding Broadcast Ownership Opportunities Act of 2019”, reintroduced by Rep. Butterfield (D-NC), after first introducing the measure in the 115th Congress, would reinstate the tax certificate program at the Federal Communications Commission (FCC). The program had incentivized broadcast station sales to women and members of minority groups and encouraged investment of capital in stations owned by women and members of minority groups. The bill also requires the FCC to make recommendations to Congress for increasing the number of broadcast stations owned by women and members of minority groups and submit to Congress a report every two years stating the total number of women- and minority owned broadcast stations.

On March 10, 2020, the Subcommittee on Communications and Technology favorably forwarded H.R. 3957, as amended, to the full Committee by a voice vote.

III. H.R. 5564, “ENHANCING BROADCASTER DIVERSITY AND INCLUSION BY VERIFYING AND ENSURING THE REPORTING REQUIRED BY STATUTE IS TRANSPERING AND YIELDING DATA ACT” (THE ENHANCING BROADCASTER DIVERSITY DATA ACT”)

H.R. 5564, the “Enhancing Broadcaster Diversity and Inclusion by Verifying and Ensuring the Reporting required by Statute Is Transpiring and Yielding Data Act” or the “Enhancing

Broadcaster DIVERSITY Data Act”, introduced by Rep. Clarke (D-NY), would require the FCC to complete its rulemaking reviewing the FCC’s broadcast and cable equal employment opportunity rules. The bill also requires the FCC to create a public, searchable database of broadcast ownership data collected by the FCC.

On March 10, 2020, the Subcommittee on Communications and Technology favorably forwarded H.R. 5564, as amended, to the full Committee by a voice vote.

IV. H.R. 1379, THE “ENSURING LASTING SMILES ACT”

H.R. 1379, the “Ensuring Lasting Smiles Act”, introduced by Rep. Peterson (D-MN), would require all individual and group market health insurance plans to cover medically necessary treatment resulting from congenital abnormalities or birth defects. The bill requires plans to provide coverage for any service or treatment that is medically necessary to restore or achieve a normal appearance or function of the body.

An AINS will be offered to make technical and conforming changes to the bill.

V. H.R. 945, THE “MENTAL HEALTH ACCESS IMPROVEMENT ACT OF 2019”

H.R. 945, the “Mental Health Access Improvement Act of 2019”, introduced by Reps. Thompson (D-CA) and Katko (R-NY), would provide for coverage of marriage and family therapist services and mental health counselor services under Medicare Part B.

An AINS will be offered to add a study on the impact of the legislation, to include marriage and family therapist services and mental health counselor services in skilled nursing facility consolidated billing, and to make technical and conforming changes.

VI. H.R. 2564, THE “MEDICARE ENROLLMENT PROTECTION ACT”

H.R. 2564, the “Medicare Enrollment Protection Act”, introduced by Reps. Schrader (D-OR), Bilirakis (R-FL), Thompson (D-CA), and Buchanan (R-FL), would create a Medicare Part B special enrollment period (SEP) for individuals enrolled in coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) and would exempt individuals enrolling through such SEP from the Part B late enrollment penalty. COBRA coverage allows individuals to maintain their employer sponsored health plan for a temporary period after the individual experiences a qualifying event that would otherwise cause their coverage to end, such as termination of employment or a reduction in the number of hours of employment. H.R. 2564 would also require the Secretary of Labor to update COBRA continuation coverage election notices to include an explanation of Medicare secondary payer rules with respect to COBRA.

An AINS will be offered that would prohibit health plans from reducing COBRA benefits on the basis that an individual is eligible for Part B when the individual is not enrolled in Part B and make other technical and conforming changes.

VII. H.R. 8158, A BILL TO AMEND TITLE XVIII OF THE SOCIAL SECURITY ACT TO WAIVE BUDGET NEUTRALITY FOR OXYGEN UNDER THE MEDICARE PROGRAM, AND FOR OTHER PURPOSES

H.R. 8158, a bill to amend title XVIII of the Social Security Act to waive budget neutrality for oxygen under the Medicare program, and for other purposes, introduced by Reps. Rodgers (R-WA) and Loeb sack (D-IA), would specify that the budget neutrality requirement for establishing new payment classes of oxygen and oxygen equipment no longer applies and would make a technical correction to the placement of this provision in the statute. The nonapplication of budget neutrality would increase reimbursement for certain oxygen equipment in rural areas.

VIII. H.R. 2075, THE “SCHOOL-BASED HEALTH CENTERS REAUTHORIZATION ACT OF 2019”

H.R. 2075, the “School-Based Health Centers Reauthorization Act of 2019”, introduced by Reps. Sarbanes (D-MD), Tonko, Stefanik (R-NY), and Upton (R-MI), would reauthorize funding for the school-based health centers program through Fiscal Year (FY) 2024, and make technical changes, including allowing more health centers serving medically underserved children and adolescents to qualify for funding.

IX. H.R. 4078, THE “EARLY ACT REAUTHORIZATION OF 2019”

H.R. 4078, the “EARLY Act Reauthorization of 2019”, introduced by Reps. Wasserman Schultz (D-FL) and Brooks (R-IN), reauthorizes the “Young Women’s Breast Health Education and Awareness Requires Learning Young Act of 2009.” This program was authorized and funded at \$4.9 million each year from FY 2015 through FY 2019. The bill would increase the authorization to \$9 million each year from FY 2020 through FY 2024.

X. H.R. 4764, THE “TIMELY REAUTHORIZATION OF NECESSARY STEM-CELL PROGRAMS LENDS ACCESS TO NEEDED THERAPIES ACT OF 2019 (THE “TRANSPLANT ACT OF 2019”)

H.R. 4764, the “Timely ReAuthorization of Necessary Stem-cell Programs Lends Access to Needed Therapies Act of 2019”, or the “TRANSPLANT Act of 2019”, introduced by Reps. Matsui (D-CA), Bilirakis (R-FL), and Pingree (D-ME), reauthorizes the C.W. Bill Young Transplantation Program at level funding of \$30 million each year from FY 2021 through FY 2025. The bill also requires Health Resources and Services Administration’s (HRSA) Advisory Council on Blood Stem Cell Transplantation to meet at least twice a year and requires the Department of Health and Human Services (HHS) to review the state of the science related to adult stem cells and birthing tissues for the purpose of potentially including these innovative therapies in the Program. In addition, the bill would reauthorize the cord blood inventory program under the Stem Cell Therapeutic and Research Act of 2005 at level funding of \$23 million for each year from FY 2021 through FY 2025.

XI. H.R. 5855, THE “BIPARTISAN SOLUTION TO CYCLICAL VIOLENCE ACT OF 2020”

H.R. 5855, the “Bipartisan Solution to Cyclical Violence Act of 2020”, introduced by Reps. Ruppertsberger (D-MD) and Kinzinger (R-IL), would create a grant program at HHS to support trauma centers with violence intervention and violence prevention programs. Program support would be provided to conduct research to reduce the incidence of re-injury and re-incarceration caused by intentional violent trauma, excluding intimate partner violence.

XII. H.R. 3131, THE “SOUTH ASIAN HEART HEALTH AWARENESS AND RESEARCH ACT OF 2020”

H.R. 3131, the “South Asian Heart Health Awareness and Research Act of 2020”, was introduced by Rep. Pramila Jayapal (D-WA), along with 16 other Members of Congress. This bill authorizes Centers for Disease Control and Prevention (CDC) grants to states for awareness initiatives, educational materials, and research catalogs regarding the prevalence of heart disease, including the association of type 2 diabetes, with respect to the South Asian population. In addition, the bill authorizes the National Institutes of Health (NIH), in coordination with the National Heart, Lung, and Blood Institute to conduct or support research with respect to cardiovascular disease, type 2 diabetes, and other heart-related ailments, among the South Asian population.

The AINS will be offered to authorize the Secretary of HHS to award heart health promotion grants to States for awareness initiatives, educational materials, and training workshops. The AINS would also authorize the Secretary of HHS to conduct or support research regarding cardiovascular disease, type 2 diabetes, and other heart health-related ailments among at risk populations, including the South Asian populations. The Secretary may also establish a research catalogs for existing heart health research and treatment options.

XIII. H.R. 7948, THE “TRIBAL HEALTH DATA IMPROVEMENT ACT OF 2020”

H.R. 7948, the “Tribal Health Data Improvement Act of 2020”, introduced by Reps. Gianforte (R-MT), Lujan (D-NM), Rodgers (R-WA), Mullin (R-OK), O’Halloran (D-AZ), and Ruiz (D-CA), would encourage improved public health data sharing among the CDC, Indian Tribes, Tribal organizations, and Tribal Epidemiology Centers. The bill also reauthorizes CDC’s National Center for Health Statistics.

An AINS is expected to be offered that would make technical and conforming changes to the bill. It will also ensure the safety of data being shared among entities, increase the authorization level for the National Center for Health Statistics to provide funding for the new authorities in this legislation, and assist States and Tribes working relationships by requiring the CDC to issue a report on best practices and guidelines for data sharing agreements.

XIV. H.R. 5373, THE “UNITED STATES ANTI-DOPING AGENCY REAUTHORIZATION ACT OF 2019”

H.R. 5373, the “United States Anti-Doping Agency Reauthorization Act of 2019”, introduced by Reps. Thompson (D-CA), Johnson (R-OH), and DeGette (D-CO), authorizes the

U.S. Anti-Doping Agency (USADA) through the end of FY 2027. The FY 2020 authorization is set at \$14.8 million. In anticipation of hosting the 2028 Olympics in Los Angeles, this bill steadily increases the authorization to \$22.8 million by FY 2027. The bill would direct the USADA to promote positive youth sports experiences by using a portion of its funding to provide educational materials on sportsmanship, character building, and healthy performance for those participating in youth sports. It would also direct the Department of Justice, the Department of Homeland Security, and the Food and Drug Administration (FDA) to coordinate with USADA efforts to prevent the use of performance-enhancing drugs or prohibit performance-enhancing methods by sharing all information in their possession that may be relevant to preventing the use of such drugs or prohibiting such methods.

An AINS will be offered to revise the authorization to run from FY 2021 through FY 2029 and to make technical and conforming changes to the bill.

XV. H.R. 2281, THE “EASY MEDICATION ACCESS AND TREATMENT FOR OPIOID ADDICTION ACT” (THE “EASY MAT FOR OPIOID ADDICTION ACT”)

H.R. 2281, the “Easy Medication Access and Treatment for Opioid Addiction Act”, was introduced by Rep. Ruiz (D-CA). This bill would require the Drug Enforcement Agency (DEA) to revise regulations within 180 days of enactment to allow a practitioner to dispense up to a three-day supply of narcotic drugs to an individual for the purpose of maintenance or detoxification treatment at one time. This practice is intended to relieve potential acute withdrawal symptoms while the individual awaits arrangements for narcotic treatment. Currently, practitioners are only authorized to provide a one-day supply of such drugs.

An AINS will be offered to make technical and conforming changes to the bill.

XVI. H.R. 2466, THE “STATE OPIOID RESPONSE GRANT AUTHORIZATION ACT”

H.R. 2466, the “State Opioid Response Grant Authorization Act”, was introduced by Reps. Trone (D-MD), Armstrong (R-ND), Sherrill (D-NJ), and Riggleman (R-VA). This bill authorizes the Substance Abuse and Mental Health Services Administration (SAMHSA) State Opioid Response Grants program.

An AINS will be offered to align the State Opioid Response Grants program with SAMHSA grant authority provided through the 21st Century Cures Act. The AINS would authorize the program through FY 2026.

XVII. H.R. 3878, THE “BLOCK, REPORT, AND SUSPEND SUSPICIOUS SHIPMENTS ACT OF 2019”

H.R. 3878, the “Block, Report, And Suspend Suspicious Shipments Act of 2019”, was introduced by Reps. McKinley (R-WV) and Dingell (D-MI). This bill would create additional requirements for drug manufacturers and distributors who discover a suspicious order for

controlled substances. In addition to reporting the suspicious order to the DEA, a manufacturer or distributor must also exercise due diligence, decline to fill the order or series of orders, notify the DEA of each suspicious order or series of orders and the indicators that led to the belief that filling such orders would be a violation. These requirements would become effective six months following enactment.

XVIII. H.R. 4812, THE “ENSURING COMPLIANCE AGAINST DRUG DIVERSION ACT OF 2019”

H.R. 4812, the “Ensuring Compliance Against Drug Diversion Act of 2019”, was introduced by Rep. Griffith (R-VA). This bill terminates the controlled substance registration of any registrant if the registrant dies, ceases legal existence, discontinues business or professional practice, or surrenders registration. A registrant who ceases legal existence or discontinues business is required to notify DEA. Registrants must receive written consent from DEA in order to assign or transfer a registration. Registrants are also required to return certain documentation if a registrant’s work is discontinued.

XIX. H.R. 4806, THE “DEBARMENT ENFORCEMENT OF BAD ACTOR REGISTRANTS ACT OF 2019” (THE “DEBAR ACT OF 2019”)

H.R. 4806, the “Debarment Enforcement of Bad Actor Registrants Act of 2019”, introduced by Rep. Latta (R-OH), would amend the Controlled Substances Act to allow the Attorney General to prohibit any registrant from manufacturing, distributing, or dispensing a controlled substance or a list I chemical if that registrant meets or has met any of the conditions for suspension or revocation of registration under subsection (a) of the Act, or is found unfit to manufacture, distribute, or dispense a controlled substance or a list I chemical.

XX. H.R. 3797, THE “MEDICAL MARIJUANA RESEARCH ACT OF 2019”

H.R. 3797, the “Medical Marijuana Research Act of 2019”, introduced by Reps. Blumenauer (D-OR), Harris (R-MD), Lofgren (D-CA), Griffith, Bishop (R-UT), and Dingell (D-MI), would direct the Secretary of HHS to ensure a supply of marijuana for research purposes through the National Institute on Drug Abuse (NIDA) Drug Supply Program. Among other provisions, the bill directs NIDA and HHS to act on marijuana research registration applications within 30 days prior to supplying marijuana through the NIDA Drug Supply Program. The bill directs FDA to issue guidelines on the production of marijuana and to encourage authorized researchers and manufacturers to produce marijuana, in coordination with the law. The bill gives researchers who are approved for Schedules II through V the authorization to conduct research on marijuana. The bill also streamlines the protocol for researchers to receive an application approval from the Attorney General. The bill prevents HHS from reinstating an additional review process related to marijuana research.

An AINS will be offered to make available marijuana from State authorized marijuana programs, ensure researchers are in compliance with FDA drug development standards, and to make technical and conforming changes to the bill.

XXI. H.R. 2519, THE “IMPROVING MENTAL HEALTH ACCESS FROM THE EMERGENCY DEPARTMENT ACT OF 2019”

H.R. 2519, the “Improving Mental Health Access from the Emergency Department Act of 2019”, introduced by Rep. Ruiz (D-CA), would authorize SAMHSA to award grants to qualifying emergency departments for the purpose of supporting mental health services. Grant recipients must use funds to support the provision of follow-up services for individuals who present for care of acute mental health episodes, such as placement in appropriate facilities.

A manager’s amendment will be offered to make technical and conforming changes to the bill.

XXII. H.R. 4861, THE “EFFECTIVE SUICIDE SCREENING AND ASSESSMENT IN THE EMERGENCY DEPARTMENT ACT OF 2019”

H.R. 4861, the “Effective Suicide Screening and Assessment in the Emergency Department Act”, introduced by Reps. Bilirakis (R-FL) and Engel (D-NY), would create a grant program to improve the identification, assessment, and treatment of patients in emergency departments who are at risk for suicide by: (1) developing policies and procedures for identifying and assessing individuals who are at risk of suicide; and (2) enhancing the coordination of care for such individuals after discharge.

XXIII. H.R. 1109, THE “MENTAL HEALTH SERVICES FOR STUDENTS ACT OF 2019”

H.R. 1109, the “Mental Health Services for Students Act”, introduced by Reps. Napolitano (D-CA) and Katko (R-NY), expands and increases funding for existing SAMHSA grants to support mental health services at schools throughout the country. The program would fund grants that allow for prevention screening for social, emotional, mental, and behavioral issues, including suicide or substance use disorders; treatment and referral for these issues; development of evidence-based programs for students experiencing these issues; and other strategies for schools to treat students.

An AINS will be offered to streamline the proposed program and to make technical and conforming changes to the bill.

XXIV. H.R. 3539, THE “BEHAVIORAL INTERVENTION GUIDELINES ACT OF 2019”

H.R. 3539, the “Behavioral Intervention Guidelines Act of 2019”, introduced by Reps. Ferguson (R-GA), Burgess (R-TX), Kennedy (D-MA), and Panetta (D-CA), requires SAMHSA to develop best practices for schools to establish behavioral intervention teams and properly train them on how to intervene and avoid inappropriate use of mental health assessments and law enforcement. No later than one year after enactment, best practices shall be made publicly available on a website of HHS.

A manager's amendment will be offered to make technical and conforming changes to the bill.

XXV. H.R. 7293, THE “SUICIDE TRAINING AND AWARENESS NATIONALLY DELIVERED FOR UNIVERSAL PREVENTION ACT OF 2020” (THE “STANDUP ACT OF 2020”)

H.R. 7293, the “Suicide Training and Awareness Nationally Delivered for Universal Prevention Act of 2020,” or the “STANDUP Act of 2020”, introduced by Reps. Peters (D-CA) and Bilirakis (R-FL), would require State and Tribal educational agencies that receive priority mental health grants under Section 520A of the Public Health Service Act to establish and implement a school-based student suicide awareness and prevention training policy, and collect information on training activities. The training policy would be focused on grades six through twelve and would train students on self-harm and suicidal ideation.

An AINS will be offered to ensure the school-based policies are culturally and linguistically appropriate and to make technical and conforming changes to the bill.

XXVI. H.R. 5469, THE “PURSUING EQUITY IN MENTAL HEALTH ACT OF 2019”

H.R. 5469, the “Pursuing Equity in Mental Health Act of 2019”, introduced by Rep. Watson Coleman (D-NJ) and eight other Members of Congress, includes provisions that would: (1) authorize grants targeted at high-poverty communities for culturally and linguistically appropriate mental health services; (2) support research into disparities in mental health; and (3) reauthorize the Minority Fellowship Program to support more students of color entering the mental health workforce, among other things.

An AINS will be offered that strikes Title I of the legislation, removes the ban on SAMHSA grant funding regarding conversion therapy, and makes other technical and conforming changes to the bill.

XXVII. H.R. 5572, THE “FAMILY SUPPORT SERVICES FOR ADDICTION ACT OF 2020”

H.R. 5572, the “Family Support Services for Addiction Act of 2020”, was introduced by Reps. Trone (D-MD) and Meuser (R-PA). This bill would authorize grants at SAMHSA to support family community organizations that develop, expand, and enhance evidence-informed family support services.

A manager's amendment will be offered to make technical and conforming changes to the bill.

XXVIII. H.R. 4499, THE “NIMHD RESEARCH ENDOWMENT REVITALIZATION ACT OF 2019”

H.R. 4499, the “NIMHD Research Endowment Revitalization Act of 2019”, introduced by Reps. Barragan (D-CA) and Carter (R-GA), authorizes the National Institute on Minority Health and Health Disparities to facilitate research on minority health disparities through research endowments at current or former centers of excellence.

XXIX. H.R. 4439, THE “CREATING HOPE REAUTHORIZATION ACT”

H.R. 4439, The “Creating Hope Reauthorization Act”, introduced by Reps. Butterfield (D-NC) and McCaul (R-TX), would eliminate the sunset on the pediatric rare priority review voucher program at FDA.

An AINS will be offered to extend the program for four years.

XXX. H.R. 8134, THE “CONSUMER PRODUCT SAFETY INSPECTION ENHANCEMENT ACT”

H.R. 8134, the “Consumer Product Safety Inspection Enhancement Act”, introduced by Reps. Schakowsky (D-IL) and Duncan (R-SC), would amend the Consumer Product Safety Act to enhance the Consumer Product Safety Commission’s (CPSC) ability to identify unsafe consumer products entering the United States, especially e-commerce shipments entering under the de minimis value exemption. Specifically, the bill would require the CPSC to enhance the targeting, surveillance, and screening of consumer products. The bill also would require electronic filing of certificates of compliance for all consumer products entering the United States.

The bill directs the CPSC to: 1) examine a sampling of de minimis shipments and shipments coming from China; 2) detail plans and timelines to effectively address targeting and screening of de minimis shipments; 3) establish metrics by which to evaluate the effectiveness of the CPSC’s efforts in this regard; 4) assess projected technology, resources, and staffing necessary; and 5) submit a report to Congress regarding such efforts. The bill further directs the CPSC to hire at least 16 employees every year until staffing needs are met to help identify violative products at ports.

XXXI. H.R. 8128, THE “AI FOR CONSUMER PRODUCT SAFETY ACT”

H.R. 8128, the “AI for Consumer Product Safety Act”, introduced by Reps. McNerney (D-CA) and Burgess (R-TX), would direct the CPSC to establish a pilot program to explore the use of artificial intelligence for at least one of the following purposes: 1) tracking injury trends; 2) identifying consumer product hazards; 3) monitoring the retail marketplace for the sale of recalled consumer products; or 4) identifying unsafe imported consumer products.

An AINS will be offered that changes the title of the bill to the “Consumer Safety Technology Act”, and adds the text based on H.R. 8153, the Blockchain Innovation Act and H.R. 2154, the Digital Taxonomy Act. The AINS adds sections that direct the Department of Commerce (DOC), in consultation with the Federal Trade Commission (FTC), to conduct a study and submit to Congress a report on the state of blockchain technology in commerce,

including its use to reduce fraud and increase security. It would also require the FTC to submit to Congress a report and recommendations on unfair or deceptive acts or practices relating to digital tokens.

XXXII. H.R. 8132, THE “AMERICAN COMPETITIVENESS OF A MORE PRODUCTIVE EMERGING TECH ECONOMY ACT” (THE “AMERICAN COMPETE ACT”)

H.R. 8132, the “American Competitiveness Of a More Productive Emerging Tech Economy Act” or the “American COMPETE Act”, introduced by Reps. Rodgers (R-WA) and Rush (D-IL), directs the DOC and the FTC to study and report to Congress on the state of the artificial intelligence, quantum computing, blockchain, and the new and advanced materials industries in the U.S. The bill would also require the DOC to study and report to Congress on the state of the Internet of Things (IoT) and IoT manufacturing industries as well as the three-dimensional printing industry. These studies would involve, among other things: 1) listing industry sectors that develop and use each technology and public-private partnerships focused on promoting the adoption and use of each such technology; 2) establishing a list of federal agencies asserting jurisdiction over such industry sectors; and 3) assessing risks and trends in the marketplace and supply chain of each technology.

The bill would direct the DOC to study and report on the effect of unmanned delivery services on U.S. businesses conducting interstate commerce. In addition to these report elements, the bill would require the DOC to examine safety risks and effects on traffic congestion and jobs of unmanned delivery services.

Finally, the bill would require the FTC to study and report to Congress on how artificial intelligence may be used to address online harms, including scams directed at senior citizens, disinformation or exploitative content, and content furthering illegal activity.

XXXIII. H.R. 2610, THE “STOP SENIOR SCAMS ACT”

H.R. 2610, the “Stop Senior Scams Act”, introduced by Reps. Blunt-Rochester (D-DE) and Walberg (R-MI), would establish a Senior Scams Prevention Advisory Council (“Advisory Council”) at the FTC. The Advisory Council, while considering public comment, would collect existing information and guidance on identifying and preventing scams affecting seniors and create improved model educational materials and programs. The bill would direct the FTC to make the improved materials public and encourage their use and distribution. The bill would also amend the Elder Abuse Prevention and Prosecution Act, 34 U.S.C. § 21711, to include information, findings, and recommendations from the Advisory Council in the annual report to Congress.

An AINS is expected to be offered that would change the title of the bill to the “Fraud and Scam Reduction Act”, change the advisory council to an advisory group, make technical changes, and add text from four additional bills: H.R. 2301, the Seniors Fraud Prevention Act of 2019; H.R. 7699, the Protecting Seniors from Emergency Scams Act; H.R. 8127, the Protecting Indian Tribes from Scams Act, and H.R. 8152, the FTC Collaboration Act.

Title II of the AINS, based on H.R. 2301, would direct the FTC to establish an office to advise the Commission on the prevention of fraud targeting seniors and to help monitor marketing material for fraud targeting seniors. The advisory office would also disseminate information on senior scams and share consumer complaints with other law enforcement authorities.

Title III of the AINS, based on H.R. 7699, would require the FTC to submit a report to Congress on scams targeting seniors, including policy recommendations to prevent senior scams, especially scams related to national emergencies. Title III also requires the FTC to update its senior scam website and coordinate with media outlets and law enforcement to distribute information.

Title IV of the AINS, based on H.R. 8127, would direct the FTC to submit to Congress a report on unfair or deceptive acts or practices targeted at Indian Tribes or members of Indian Tribes and update its website to include information on such scams.

Title V of the AINS, based on H.R. 8152, would require the FTC to conduct a study on facilitating and refining existing efforts with State Attorneys General regarding enforcement of scams.

XXXIV. H.R. 6435, THE “COMBATING PANDEMIC SCAMS ACT OF 2020”

H.R. 6435, the “Combating Pandemic Scams Act of 2020”, introduced by Reps. Carter (R-GA) and Kuster (D-NH), would require the FTC to inform the public about mail, telemarketing, and internet scams related to COVID-19 and disseminate information on how to report COVID-19-related scams to the appropriate agency. The FTC would also be required to establish a national database for such information.

XXXV. H.R. 8121, THE “COVID-19 HOME SAFETY ACT”

H.R. 8121, the “COVID-19 Home Safety Act”, introduced by Reps. Cárdenas (D-CA) and Davis (R-IL), would require the CPSC to study and report to Congress on the effects of the COVID–19 pandemic on injuries and deaths associated with consumer products.

An AINS will be offered that changes the title of the bill to the “Pandemic Effects on Home Safety and Tourism Act” and adds text from H.R. 8122, the Protecting Tourism in the United States Act, which would direct the DOC to conduct a study and report to Congress on the effects of the COVID–19 pandemic on the travel and tourism industry in the United States.

XXXVI. H.R. 1754, THE “HORSERACING INTEGRITY ACT OF 2019”

H.R. 1754, the “Horseracing Integrity Act of 2019”, introduced by Reps. Tonko (D-NY) and Barr (R-KY), would establish a uniform national anti-doping and medication program to protect the health and welfare of racehorses and jockeys.

An AINS is expected to be offered that would establish minimum standards for racing surfaces, pre-race inspections, equine medical directors, workout requirements, and safety stewards. Further, the AINS would provide federal recognition and enforcement power to the Horseracing Integrity and Safety Authority (the Authority), an independent, non-governmental regulatory body, for purposes of developing and implementing both a horse racing anti-doping and medication control program and a racetrack safety program. The AINS also includes a funding mechanism for the Authority.

XXXVII. H.R. 4447, THE “EXPANDING ACCESS TO SUSTAINABLE ENERGY ACT OF 2019”

H.R. 4447, the “Expanding Access to Sustainable Energy Act of 2019”, introduced by Reps. O’Halloran (D-AZ) and Mullin (R-OK), establishes an energy storage and microgrid grant and technical assistance program at the Department of Energy (DOE). On February 12, 2020, the Subcommittee on Energy held a legislative hearing on H.R. 4447.

The program will provide grants and technical assistance to a rural electric cooperative or non-profit entity, working with at least six rural electric cooperatives, to assist with designing and demonstrating energy storage and microgrid projects that utilize energy from renewable energy sources. The bill authorizes \$5 million annually for the program from FY 2020 through 2025.

An AINS will be offered to make technical and conforming changes to the bill.

XXXVIII. H.R. 8159, THE “DEPARTMENT OF ENERGY ORGANIZATION AND MANAGEMENT IMPROVEMENT ACT”

H.R. 8159, the “Department of Energy Organization and Management Improvement Act”, introduced by Ranking Member Walden (R-OR) and Chairman Pallone (D-NJ), requires the Secretary of Energy to review and report periodically on measures and recommendations to improve general management of DOE, and to implement reforms to ensure continuous improvement in management.

The bill requires the Secretary to submit a report every two years containing an evaluation of the general management of DOE, a description of impediments to effective DOE management, recommendations to improve DOE management, a strategic plan for continuous improvement of DOE management, and an evaluation of the status of DOE departmental management improvement. It further requires the Secretary to submit a report describing the status of all orders issued by DOE relating to management of the Department and a schedule for updating these orders to ensure effective management of the Department.

The bill amends Section 3220 of the National Nuclear Security Administration Act, which delineates the status of National Nuclear Security Administration (NNSA) personnel and independent contract personnel employed by or contracting with NNSA. The bill clarifies that NNSA officers and employees shall be responsible to and subject to the authority, direction and control of the Secretary of Energy. It further strikes a provision from Section 3220 barring DOE

personnel other than the Secretary from exercising authority, direction, or control over personnel employed by or contracting with NNSA.