



MEMORANDUM

July 25, 2023

TO: Members of the Energy and Commerce Committee
FROM: Committee Majority Staff
RE: Full Committee Markup

I. INTRODUCTION

On Thursday, July 27, 2023, at 10:00 a.m. (ET), the Committee on Energy and Commerce will meet in open markup session in 2123 Rayburn House Office Building to consider the following legislation:

- **H.R. 3385, Diaspora Link Act (Plaskett)**
- **H.R. 3369, AI Accountability Act (Harder)**
- **H.R. 4510, NTIA Reauthorization Act of 2023 (Latta)**
- **H.R. 1435, Preserving Choice in Vehicle Purchases Act (Rep. Joyce)**
- **H.R. 4468, Choice in Automobile Retail Sales Act of 2023 (Rep. Walberg)**
- **H.R. 4469, No Fuel Credits for Batteries Act of 2023 (Rep. Pence)**

In keeping with Chair Rodgers' announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to EandCdocs@mail.house.gov. **Any information with respect to an amendment's parliamentary standing (e.g., its germaneness) should be submitted at this time.**

II. EXPLANATION OF LEGISLATION

H.R. 3385, Diaspora Link Act

- H.R. 3385 is led by Representative Stacy E. Plaskett (D-VI) and Representative Russ Fulcher (R-ID). This bill would direct NTIA to submit a report to Congress assessing the value, cost, and feasibility of developing a trans-Atlantic submarine fiber optic cable connecting the contiguous United States, the U.S. Virgin Islands, Ghana, and Nigeria to enhance the national security of the United States.
- On Wednesday, July 12, 2023, the Subcommittee on Communications and Technology forwarded the bill, as amended, to the full committee by voice vote.

H.R. 3369, Artificial Intelligence Accountability (AI Accountability) Act

- H.R. 3369 is led by Representative Josh Harder (D-CA). This bill would direct the NTIA

to study accountability measures for artificial intelligence (AI) systems used by communications networks. It would also direct NTIA to hold public meetings with relevant stakeholders to solicit feedback on the information that should be available to consumers who interact with AI systems and the most effective way to make that information available to consumers.

- On Wednesday, July 12, 2023, the Subcommittee on Communications and Technology forwarded the bill, as amended, to the full committee by voice vote.

H.R. 4510, the NTIA Reauthorization Act of 2023

- H.R. 4510 is led by Representative Robert E. Latta (R-OH) and Representative Doris Matsui (D-CA). H.R. 4510 would reauthorize the NTIA and modernize the mission of the agency. Title I of the bill would elevate the title of the Assistant Secretary to Under Secretary, codify the Deputy Under Secretary role and establish duties for the position, and eliminate unnecessary reporting requirements and consolidate current reporting requirements into an annual report.
- Title II of H.R. 4510 would codify the Office of Spectrum Management within NTIA and take several steps to improve management and coordination of federal spectrum use. Title II of the bill would establish federal coordination procedures relating to a proposed spectrum action; provide direction to NTIA to develop common models, methodologies, and inputs to inform federal spectrum management decisions; codify the Institute for Telecommunication Sciences; codify the Commerce Spectrum Management Advisory Committee (CSMAC); establish an Incumbent Informing Capability (IIC) to support NTIA's federal spectrum management mission; and direct NTIA to convene a working group to establish voluntary receiver criteria, ratings, or other measures in bands where Federal entities are primary or co-primary users.
- Title III of H.R. 4510 would direct the NTIA to develop a National Strategy to Close the digital divide and a plan to implement that strategy. This legislation is based on recommendations from the Government Accountability Office that a national strategy is needed to manage and coordinate broadband programs across the federal government.
- Title IV of H.R. 4510 would codify the Office of Policy Development and Cybersecurity within NTIA and take several steps to improve NTIA's communications and information policy development mission. This title would also direct NTIA to carry out an Information and Communication Technology (ICT) supply chain security report and strategy; establish a Digital Economy Cybersecurity Board of Advisors to provide the Office with recommendations for implementation by NTIA or that NTIA could recommend for implementation by other entities regarding communications cybersecurity policies; develop and conduct a cybersecurity literacy campaign; submit a report examining the cybersecurity of mobile service networks; and conduct outreach and provide technical assistance to small communications networks providers regarding Open RAN compatible technology.
- Title V of H.R. 4510 would codify the Office of Public Safety Communications within NTIA and provide direction on the duties of the Office.
- Title VI of H.R. 4510 would codify the Office of International Affairs within NTIA and provide direction on the duties of the Office. Title VI also would establish an interagency review process to review applications with foreign ownership that the Federal

Communications Commission (FCC) has referred for national security and law enforcement implications in a timely and transparent manner. Title VI would direct NTIA to develop and issue procedures for such reviews.

- On Wednesday, July 12, 2023, the Subcommittee on Communications and Technology forwarded the bill, without amendment, to the full committee by voice vote.

H.R. 1435, Preserving Choice in Vehicle Purchases Act

- H.R. 1435 would amend section 209(b) of the Clean Air Act (CAA) -- the conditions under which the Environmental Protection Agency (EPA) can grant a waiver to a State (i.e., California) for a motor vehicle emissions standard. Specifically, H.R. 1435 would add an additional requirement that must be satisfied for the EPA to provide a State a waiver for its vehicle emissions standards: the State directive cannot “directly or indirectly” limit the sale or use of new motor vehicles with an internal combustion engine (ICE). H.R. 1435 would also prevent the EPA from considering State standards amended after the date of enactment of this bill as having qualified under an existing waiver. Finally, H.R. 1435 would revoke any section 209(b) waivers California received between January 1, 2022, and the date H.R. 1534 becomes law if the California motor vehicle standard receiving a waiver “directly or indirectly” limited the sale or use of new motor vehicles with an ICE.
- On Wednesday, July 12, 2023, the Subcommittee on Environment, Manufacturing, and Critical Materials forwarded the bill, without amendment, to the full committee by a recorded vote of 13 yeas to 8 nays.

H.R. 4468, Choice in Automobile Retail Sales (CARS) Act

- H.R. 4468 would prohibit the EPA from finalizing, implementing, or enforcing its proposed rule titled “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles” that was published in the Federal Register on May 5, 2023. H.R. 4468 would also amend section 202(a)(2) of the CAA to prevent any regulations issued with this authority, including updated rules, from mandating the use of any specific technology or resulting in the limited availability of new motor vehicles based on that vehicle’s engine type. It would also give the EPA two years to revise those regulations that mandate the use of a specific technology or result in the limited availability of new vehicles based upon that vehicle’s engine.
- On Wednesday, July 12, 2023, the Subcommittee on Environment, Manufacturing, and Critical Materials forwarded the bill, without amendment, to the full committee by a recorded vote of 12 yeas to 7 nays.

H.R. 4469, No Fuels Credits for Batteries Act

- H.R. 4469 would clarify that the EPA is not authorized to use credits for electricity generated from renewable fuel to satisfy the volume of renewable fuel that needs to be contained in transportation fuel for purposes of the Renewable Fuel Standard (RFS). H.R. 4469 would also prohibit the use or transfer of any eRINs credits generated before the date of enactment (to address any gap with EPA’s December 1, 2022, proposal). Finally,

H.R. 4469 would define “renewable fuel” and “transportation fuel” using the RFS’s definitions.

- On Wednesday, July 12, 2023, the Subcommittee on Environment, Manufacturing, and Critical Materials forwarded the bill, without amendment, to the full committee by a recorded vote of 12 yeas to 7 nays.

III. STAFF CONTACTS

If you have questions regarding the legislation forwarded by the Subcommittee on Communications and Technology, please contact Kate O’Connor with the Committee Staff at (202) 225-3641.

If you have questions regarding the legislation forwarded by the Subcommittee on Environment, Manufacturing, and Critical Materials, please contact Mary Martin with the Committee Staff at (202) 225-3641.