



MEMORANDUM

June 25, 2024

TO: Members Committee on Energy and Commerce
FROM: Committee on Energy and Commerce Majority Staff
RE: Full Committee Markup on June 27, 2024

I. INTRODUCTION

The Committee on Energy and Commerce will meet in open markup session on Thursday, June 27, 2024, at 10:00 a.m. (ET) in 2123 Rayburn House Office Building, and subsequent days as necessary, to consider the following legislation:

- **H.R. 7188, Shandra Eisenga Human Cell and Tissue Product Safety Act (Reps. Moolenaar and Dingell)**
- **H.R. 3433, Give Kids a Chance Act of 2024 (Reps. McCaul and Eshoo)**
- **H.R. 670, Think Differently Database Act (Reps. Molinaro and Sherrill)**
- **H.R. 7623, Telehealth Modernization Act of 2024 (Reps. Carter and Blunt Rochester)**
- **H.J.Res. 163, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule” (Rep. Balderson)**
- **H.J.Res. 136, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles” (Rep. James)**
- **H.J.Res. 133, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles-Phase 3” (Rep. Fulcher)**
- **H.J.Res. 117, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “Reconsideration of the National Ambient Air Quality Standards for Particulate Matter” (Rep. Allen)**
- **H.R. 8818, American Privacy Rights Act of 2024 (Reps. Rodgers, Pallone, Bilirakis, and Schakowsky)**
- **H.R. 7891, Kids Online Safety Act (Reps. Bilirakis, Bucshon, Castor, Houchin, and Schrier)**
- **H.R. 8449, AM Radio for Every Vehicle Act (Reps. Bilirakis and Pallone)**

II. EXPLANATION OF LEGISLATION

H.R. 7188, Shandra Eisenga Human Cell and Tissue Product Safety Act (Reps. Moolenaar and Dingell)

H.R. 7188 was introduced by Rep. Moolenaar on February 1, 2024. On May 16, 2024, the Subcommittee on Health favorably forwarded this bill, as amended, to the Full Committee by a recorded vote of 27 yeas to 0 nays. The amended bill would require the Secretary of Health and Human Services (HHS), in coordination with the Organ Procurement and Transplantation Network, to conduct a national, evidence-based education campaign to increase public and health care provider awareness regarding the potential risks and benefits of human cell and tissue product transplants. The Secretary, acting through the Commissioner of Food and Drugs, would also be required to report any actions that could be taken to improve the safety of human cell and tissue products and update existing donor eligibility guidance accordingly. Lastly, the bill would update regulations to advance the development of stem cell therapies, and require the Secretary to conduct workshops for stakeholders, establish a public docket, and report to Congress with recommendations for modernizing considerations for minimal manipulation and homologous use of human cell and tissue products.

H.R. 3433, Give Kids a Chance Act of 2024 (Reps. McCaul and Eshoo)

H.R. 3433 was introduced by Rep. McCaul on May 17, 2023. On May 16, 2024, the Subcommittee on Health favorably forwarded this bill, as amended, to the Full Committee by a recorded vote of 16 yeas to 11 nays. The amended bill would provide the Food and Drug Administration (FDA) with additional authority to require pediatric cancer trials for molecularly targeted cancer drugs. This bill would also reauthorize the FDA rare pediatric disease priority review voucher program through fiscal year 2030, and limit orphan drug exclusivity to the approved indication, rather than the potentially broader designation.

H.R. 670, Think Differently Database Act (Reps. Molinaro and Sherrill)

H.R. 670 was introduced by Rep. Molinaro on January 31, 2023. On May 16, 2024, the Subcommittee on Health favorably forwarded this bill, as amended, to the Full Committee by a recorded vote of 20 yeas to 0 nays. This bill would establish a publicly available website within the Department of Health and Human Services (HHS) that is focused on improving accessibility of health service information and resources for individuals with disabilities.

H.R. 7623, Telehealth Modernization Act of 2024 (Reps. Carter and Blunt Rochester)

H.R. 7623 was introduced by Rep. Carter on March 12, 2024. On May 16, 2024, the Subcommittee on Health favorably forwarded this bill, as amended, to the Full Committee by a recorded vote of 21 yeas to 0 nays. This bill would implement a two-year extension for certain telehealth flexibilities under Medicare. The telehealth flexibilities that are extended by this legislation include: removing geographic restrictions, expanding eligibility for practitioners to furnish telehealth services, retaining the waiver process for modifying telehealth services covered under Medicare, implementing a permanent payment system for telehealth services

furnished by rural health clinics (RHCs) and federally qualified health centers (FQHCs), and allowing the use of audio-only telecommunications technology.

H.J.Res. 163, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule” (Rep. Balderson)

H.J.Res. 163 was introduced by Rep. Balderson on June 5, 2024. On May 23, 2023, the Environmental Protection Agency (EPA) published a proposal on five separate actions relating to fossil-fuel electric generating units: establishing new source performance standards first for greenhouse gas (GHG) emissions for new, natural gas combustion turbines and second for GHG emissions from fossil fuel-fired steam generating units that undertake large modifications; third for establishing GHG emissions guidelines for existing coal and oil/gas-fired steam generating units and fourth for such standards for the largest, most frequently operated existing natural gas combustion turbines; and fifth, repealing the Affordable Clean Energy (ACE) Rule.¹ The EPA [finalized](#) the ACE Rule in June 2019. On May 9, 2024, the EPA [published](#) a final rule incorporating four of the actions, including finalized new source performance standards for combustion turbines and modified fossil-fuel steam generating units, emissions guidelines for existing coal and oil/gas-fired steam generating units, and repeal of the ACE rule. The EPA stated it would take further action on large, existing natural gas turbines at a later date. The Subcommittee on Environment, Manufacturing, and Critical Materials held hearings on the EPA’s proposed rule on [June 6, 2023](#), and [November 14, 2023](#). Discussion of these power sector emissions standards also were included in Subcommittee on Energy, Climate, and Grid Security hearings on [June 13, 2023](#), [September 28, 2023](#), and [February 14, 2024](#). These power sector emissions standards were also discussed with Administrator Regan during the EPA’s budget hearing on [May 15, 2024](#).

H.J.Res. 136, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles” (Rep. James)

H.J.Res. 136 was introduced by Rep. James on May 1, 2024. On April 18, 2024, the EPA published its final rule for Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles.² First proposed on April 27, 2023, this rule sets new, more protective standards to further reduce greenhouse gas and other emissions from light-duty and medium-duty vehicles starting with model year 2027 and phasing in through 2032.³ The final rule follows the EPA’s revised final emissions standards for passenger cars and light trucks

¹ [2023-10141.pdf \(govinfo.gov\)](#).

² Federal Register, *Rules and Regulations*, Vol. 89, No. 76, Washington, U.S. Govt. Pub. Off., 2024. [2024-06214.pdf \(govinfo.gov\)](#)

³ [Proposed Rule: Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles | US EPA](#)

for model years 2023 through 2026.⁴ The rule projects three “technology penetrations” (i.e., compliance pathways) -- with each of the scenarios envisioning 70 percent of new vehicles requiring the use of an electric plug to fuel its propulsion system.⁵ Discussion of this regulation and related issues occurred at hearings before the Subcommittee on Environment, Manufacturing, and Critical Materials on [April 26, 2023](#), and [June 22, 2023](#).⁶ Members also discussed this regulation with Administrator Regan during the EPA’s budget hearing on [May 15, 2024](#).

H.J.Res 133, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles-Phase 3” (Rep. Fulcher)

H.J.Res. 133 was introduced by Rep. Fulcher on May 1, 2024. On April 22, 2024, the EPA published a final rule mandating aspects of new trucks to be sold between model years 2027-2032.⁷ First proposed on April 27, 2023,⁸ the EPA projects that compliance with its new, final standards will result by model year 2032 in 60 percent of “Light Heavy-Duty Vocational Truck” (e.g. larger pickup truck, utility van, large walk-ins and delivery trucks) being Zero Emissions Vehicles (ZEVs),⁹ 40 percent of “Medium Heavy-Duty Vocational Trucks” (e.g., garbage trucks and school buses) being ZEVs, and 30 percent “Heavy Heavy-Duty Vehicles” (e.g., dump trucks) being ZEVs.¹⁰ In addition, the EPA projects 40 percent of “Short-Haul (Day Cab) Tractors” being ZEVs and 25 percent of “Long-Haul (Sleeper Cab) Tractors” being ZEVs.¹¹ The previous, Phase 2 greenhouse gas standards were finalized in August 2016 and were implemented from model year 2018 to model year 2027.¹² Discussion of this regulation and related issues occurred at a hearing before the Subcommittee on Environment, Manufacturing, and Critical Materials on [April 26, 2023](#), and [June 22, 2023](#).¹³ The regulation was not directly discussed with Administrator Regan during the EPA’s budget hearing, however aspects of the battery supply chain were, including material availability, the sources of critical minerals, and increased demand on the electricity grid resulting from mass vehicle electrification.

⁴ Federal Register, *Rules and Regulations*, Vol. 86, No. 248, Washington, U.S. Govt. Pub. Off., 2021. [2021-27854.pdf \(govinfo.gov\)](#)

⁵ Federal Register, *Rules and Regulations*, Vol. 89, No. 76, Washington, U.S. Govt. Pub. Off., 2024. [2024-06214.pdf \(govinfo.gov\)](#)

⁶ [H. Rept. 118-171 - CHOICE IN AUTOMOBILE RETAIL SALES ACT OF 2023 | Congress.gov | Library of Congress](#)

⁷ Federal Register, *Rules and Regulations*, Vol. 89, No. 78, Washington, U.S. Govt. Pub. Off., 2024. [2024-06809.pdf \(govinfo.gov\)](#)

⁸ [Proposed Rule: Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles – Phase 3 | US EPA](#)

⁹ ZEV technologies include Battery Electric Vehicles and Fuel Cell Electric Vehicles. Both rely on an electric powertrain to achieve zero tailpipe emissions. FCEVs run on hydrogen fuel, while BEVs are plugged in for charging.

¹⁰ Federal Register, *supra* note 6.

¹¹ *Ibid.*

¹² International Council on Clean Transportation, *United States Efficiency and Greenhouse Gas Emission Regulations for Model Year 2018-2027 Heavy-Duty Vehicles, Engines, and Trailers*, ICCT Policy Updates, 2016. [US HDV Phase 2 FRM policy-update 08252016 vF.pdf \(theicct.org\)](#)

¹³ [H. Rept. 118-171 - CHOICE IN AUTOMOBILE RETAIL SALES ACT OF 2023 | Congress.gov | Library of Congress](#)

H.J.Res. 117, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “Reconsideration of the National Ambient Air Quality Standards for Particulate Matter” (Rep. Allen)

H.J.Res. 117 was introduced by Rep. Allen on March 6, 2024. On February 7, 2024, the EPA finalized a reconsideration of the primary annual fine particulate matter (PM_{2.5}) standard that lowered the standard from 12 micrograms per cubic meter (µg/m³) to 9µ g/m³. The previous primary annual standard was established in 2012. The EPA completed a statutory review of that 12 µg/m³ standard in 2020 and concluded in early 2021 that it protected public health within an adequate margin of safety.¹⁴ In 2023, the EPA proposed a reconsideration of the 2020 determination and ultimately finalized the revised standard. PM_{2.5} is a criteria pollutant regulated under the National Ambient Air Quality Standards (NAAQS). When a NAAQS standard is revised, the EPA has two years to determine if areas of the country are designated as in attainment or in nonattainment.¹⁵ Within 3 years of a revised standard, all states must submit State Implementation Plans to implement the standard.¹⁶ Generally, states with nonattainment areas must submit plans for the EPA’s approval regarding how they intend to achieve attainment within 18 months of designation, this timeline may vary depending on severity of nonattainment and the subject criteria pollutant.¹⁷ States are now undertaking that process of determining attainment or nonattainment areas. States must submit their recommendations to the EPA by February 7, 2025. The EPA will issue final area designations by February 6, 2026. In addition, when a standard is revised, that new standard applies immediately to the permitting of new or modified projects under the EPA’s permitting programs. Discussion of this regulation occurred in the Environment, Manufacturing, and Critical Materials Subcommittee on [September 19, 2023](#). The NAAQS were broadly discussed in the same subcommittee during a legislative hearing on [February 15, 2024](#). The Committee on Energy and Commerce later marked up and passed legislation to reform the NAAQS standards setting process on [March 20, 2024](#). The revised standard was discussed with Administrator Regan during the EPA’s budget hearing on [May 15, 2024](#).

H.R. 8818, American Privacy Rights Act of 2024 (Reps. Rodgers, Pallone, Bilirakis, and Schakowsky)

H.R. 8818 was introduced by Reps. Rodgers, Pallone, Bilirakis, and Schakowsky on June 25, 2024. On May 23, 2024, the Subcommittee on Innovation, Data, and Commerce forwarded a discussion draft of the bill to the Full Committee by voice vote. This bill would establish a preemptive national consumer data privacy and security standard to govern how certain entities can collect, process, retain, and transfer Americans’ personal information. The bill would require certain entities to be transparent about how they use consumer data and give consumers the right to access, correct, delete, and export their data, and to opt out of targeted advertising. The bill would establish a data minimization standard that would limit how companies can collect, process, retain, and transfer information. The Federal Trade Commission (FTC), State attorneys

¹⁴ [EPA RETAINS AIR QUALITY STANDARDS FOR PARTICLE POLLUTION \(PARTICULATE MATTER\):](#)

¹⁵ [Process of Working with Areas to Attain and Maintain NAAQS \(Implementation Process\) | US EPA](#)

¹⁶ Ibid.

¹⁷ Ibid.

general, and consumers could enforce against violations of the Act. The bill would also amend the Children's Online Privacy Protection Act.

H.R. 7891, Kids Online Safety Act (Reps. Bilirakis, Bucshon, Castor, Houchin, and Schrier)

H.R. 7891 was introduced by Reps. Bilirakis, Bucshon, Castor, Houchin, and Schrier on April 9, 2024. On May 23, 2024, the Subcommittee on Innovation, Data, and Commerce forwarded this bill to the Full Committee by voice vote. This bill would require high impact online and video game companies to take reasonable measures in the design and operation of products or services used by minors to prevent and mitigate certain harms that may arise from that use, like sexual exploitation and online bullying. Covered platforms would be required to provide minors with certain safeguards. Further, covered platforms would be required to provide parents or guardians with tools to supervise minors' use of a platform, such as control of account settings.

Additionally, covered platforms would have to disclose specified information, including details regarding the use of personalized recommendation systems. It would allow parents, guardians, minors, and schools to report certain harms. Covered platforms would be prevented from facilitating advertising of age-restricted products or services to minors, and they would also be required to annually report on foreseeable risks of harm to minors from using the platform. Finally, this bill would require guidance for market and product research focused on minors and an evaluation of options to verify a user's age.

H.R. 8449, AM Radio for Every Vehicle Act (Reps. Bilirakis and Pallone)

H.R. 8449 was introduced by Reps. Bilirakis and Pallone on May 17, 2024. On May 23, 2024, the Subcommittee on Innovation, Data, and Commerce favorably forwarded this bill to the Full Committee by voice vote. This bill would direct the Department of Transportation, in consultation with the Federal Emergency Management Agency (FEMA) and the Federal Communications Commission (FCC), to issue a rule that requires automakers to maintain AM broadcast radio devices as standard equipment in their vehicles in a way that is easily accessible for consumers, and without a separate or additional payment, fee, or surcharge, while also providing extra compliance time for small manufacturers. It would require any automaker that sells vehicles without access to AM broadcast radio before the effective date of the rule to clearly disclose to consumers that the vehicle lacks access to AM broadcast radio. The bill would also direct the Government Accountability Office (GAO) to conduct a comprehensive study on disseminating emergency alerts and warnings to the public.

III. STAFF CONTACTS

If you have questions regarding the legislation from the Subcommittee on Innovation, Data, and Commerce, please contact Alex Khlopin with the Committee Staff at (202) 225-3641.

If you have questions regarding the House Joint Resolutions from the Subcommittee on Environment, Manufacturing, and Critical Materials, please contact Kaitlyn Peterson with the Committee Staff at (202) 225-3641.

If you have questions regarding the legislation from the Subcommittee on Health, please contact Emma Schultheis with the Committee Staff at (202) 225-3641.

If you have any other questions regarding this markup, please contact Alex Khlopin with the Committee staff at (202) 225-3641.