



December 1, 2023

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

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## I. INTRODUCTION

The Committee on Energy and Commerce will meet in open markup session on December 5, 2023, at 2:00 p.m. (ET) in 2123 Rayburn House Office Building, and subsequent days as necessary, to consider the following legislation:

- **H.R. 5677, 5G Spectrum Authority Licensing Enforcement (5G SALE) Act (Rep. Joyce)**
- **H.R. 6544, Atomic Energy Advancement Act (Reps. Duncan and DeGette)**
- **H.R. 5718, Nuclear Fuel Security Act of 2023 (Reps. Latta, Clyburn, Balderson, and Kuster)**
- **H.R. 4167, Protecting America’s Distribution Transformer Supply Chain Act (Rep. Hudson)**
- **H.R. 6192, Hands Off Our Home Appliances Act (Rep. Lesko)**
- **H.R. 6185, Guaranteeing Reliable Infrastructure Development Act (Rep. Duncan)**
- **H.R. 6421, Affordable HOMES Act (Rep. Bucshon)**
- **H.R. 4045, Hydropower Clean Energy Future Act (Rep. Rodgers)**
- **H.R. \_\_\_, Promoting Resilient Supply Chains Act (Reps. Bucshon and Blunt Rochester)**
- **H.R. \_\_\_, Deploying American Blockchains Act (Reps. Bucshon and Blunt Rochester)**
- **H.R. 5390, Critical Infrastructure Manufacturing Feasibility Act (Reps. Miller-Meeks, Bucshon, Johnson, Kuster, Schrier, and Spanberger)**
- **H.R. 5398, Advancing Tech Startups Act (Reps. Johnson and Phillips)**
- **H.R. 5146, Advancing Gig Economy Act (Reps. Joyce and Pence)**
- **H.R. 3950, Transparency In Charges for Key Events Ticketing (TICKET) Act (Reps. Bilirakis and Schakowsky)**
- **H.R. \_\_\_, Speculative Ticketing Oversight and Prohibition Act or the STOP Act of 2023 (Reps. Armstrong, Bilirakis, and Schakowsky)**
- **H.R. 6543, No Hidden Fees on Extra Expenses for Stays Act (Rep. Kim)**
- **H.R. 6125, Online Dating Safety Act of 2023 (Reps. Valadao and Pettersen)**

- **H.R. 5202, Virginia Graeme Baker Pool and Spa Safety Reauthorization Act, as amended (Reps. Wasserman Schultz, Burgess, Carter, Allred, Castor, Williams, Garcia, Flood, Ross, Bacon, and Gottheimer)**
- **H.R. 2964, Wastewater Infrastructure Pollution Prevention and Environmental Safety (WIPPES) Act (Reps. McClain and Peltola)**
- **H.R. 1797, Setting Consumer Standards for Lithium-Ion Batteries Act, as amended (Reps. Torres, Garbarino, Clarke, Ryan, Bowman, D'Esposito, Espaillat, and Goldman)**
- **H.R. 6132, Awning Safety Act of 2023 (Reps. Balderson and Castor)**
- **H.R. 4310, Youth Poisoning Protection Act (Reps. Trahan, Carey, Porter, and Stewart)**
- **H.R. 4814, Consumer Safety Technology Act (Reps. Soto, Burgess, Trahan, and Guthrie)**
- **H.R. 2365, National Plan to End Parkinson's Act (Reps. Bilirakis and Tonko)**
- **H.R. 5372, Expanding Seniors' Access to Lower Cost Medicines Act of 2023 (Reps. Joyce and Peters)**
- **H.R. 2880, Protecting Patients Against PBM Abuses Act (Reps. Carter and Blunt Rochester)**
- **H.R. 5393, To amend title XVIII of the Social Security Act to ensure fair assessment of pharmacy performance and quality under Medicare part D, and for other purposes (Reps. Griffith and Carter)**
- **H.R. 5385, Medicare PBM Accountability Act (Reps. Landsman and Harshbarger)**
- **H.R. 5386, Cutting Copays Act (Reps. McGarvey and Bilirakis)**
- **H.R. 4881, To amend title XVIII of the Social Security Act to limit cost sharing for drugs under the Medicare program. (Reps. Malliotakis and Wenstrup)**
- **H.R. 5389, National Coverage Determination Transparency Act, as amended (Reps. Guthrie and Kelly)**
- **H.R. 133, Mandating Exclusive Review of Individual Treatments (MERIT) Act, as amended (Reps. Buchanan and Barragan)**
- **H.R. 5396, Coverage Determination Clarity Act of 2023 (Rep. Bucshon)**
- **H.R. 5371, Choices for Increased Mobility Act of 2023 (Reps. Joyce and Phillips)**
- **H.R. 5388, Supporting Innovation for Seniors Act (Reps. Balderson and Buchanan)**
- **H.R. 5380, To amend title XVIII of the Social Security Act to increase data transparency for supplemental benefits under Medicare Advantage (Rep. Sarbanes)**
- **H.R. 3842, Expanding Access to Diabetes Self-Management Training Act of 2023, as amended (Reps. Schrier, Bilirakis, and Bucshon)**
- **H.R. 5397, Joe Fiandra Access to Home Infusion Act of 2023, as amended (Reps. Fitzpatrick, Dunn and Soto)**

- **H.R. 6366, To amend title XVIII of the Social Security Act with respect to the work geographic index for physician payments under the Medicare program and to revise the phase-in of clinical laboratory test payment changes under such program (Rep. Hudson)**
- **H.R. 6369, To amend title XVIII of the Social Security Act to extend incentive payments for participation in eligible alternative payment models (Reps. Schrier and Dunn)**
- **H.R. 5555, DMEPOS Relief Act of 2023 (Reps. Miller-Meeks and Tonko)**
- **H.R. 6545, the Physician Fee Schedule Update and Improvements Act (Reps. Miller-Meeks, Schrier, Bucshon, Kelly)**
- **H.R. 6364, Medicare Telehealth Privacy Act of 2023 (Reps. Balderson, Dunn, Schweikert, and Carey)**
- **H.R. 1352, Increasing Access to Biosimilars Act of 2023 (Rep. Hudson)**

## II. EXPLANATION OF LEGISLATION

### **H.R. 5677, 5G Spectrum Authority Licensing Enforcement (5G SALE) Act (Rep. Joyce)**

This bill would allow the Federal Communications Commission (FCC) to process an application for a spectrum license or permit in the 2.5 gigahertz (GHz) band within 90 days of enactment if the applicant was selected by the FCC in a spectrum auction conducted before March 9, 2023. H.R. 5677 was introduced on September 22, 2023.

### **H.R. 6544, the Atomic Energy Advancement Act**

Rep. Jeff Duncan (SC-03) and Rep. Diana DeGette (CO-01) introduced H.R. 6544, the Atomic Energy Advancement Act on December 1, 2023. This bill incorporates legislation considered in the Subcommittee on Energy, Climate, and Grid Security, and forwarded favorably to the full committee, as follows:

**Sec. 101. NRC mission alignment.** This section incorporates [H.R. 6265-NRC Mission Alignment Act](#), which was introduced by Rep. Jeff Duncan (SC-03) on November 7, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security favorably forwarded a discussion draft of H.R. 6265, without amendment, to the full committee by voice.

The section would direct the Nuclear Regulatory Commission (NRC) to update its mission statement to include that licensing and regulation of nuclear energy activities be conducted in a manner that is efficient and does not unnecessarily limit the potential for nuclear energy to improve the general welfare or benefits of nuclear energy to society. The legislation would also amend the Energy Reorganization Act of 1974 to require the NRC's Director of Nuclear Reactor Regulation to establish licensing techniques and guidance to support efficient, timely, and predictable reviews of license applications.

**Sec. 102. Nuclear licensing efficiency.** This section incorporates [H.R. 6236 - Nuclear Licensing Efficiency Act](#), which was introduced by Rep. Rick Allen (GA-12) on November 6, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of H.R. 6236 by voice vote.

The section would amend the Atomic Energy Act (AEA) to require that the NRC provide efficient, timely, and predictable reviews and proceedings for licensing and for the modification of its rules and regulations. It would require NRC, when licensing a facility where there are already licensed nuclear facilities, to use information that was part of the licensing basis for those facilities to the extent practicable. The section would also amend the Nuclear Energy Innovation Modernization Act (NEIMA) to require NRC to review, assess, and revise licensing performance metrics and milestone schedules required under that Act to provide the most efficient performance metrics and milestone schedules reasonably achievable. The section would also amend NEIMA to exclude nuclear fusion reactors from NRC's new regulatory framework for advanced reactors and to provide technical corrections relating to research reactors.

**Sec. 103. Strengthening the NRC workforce.** This section incorporates [H.R. 4528 - Strengthening the NRC Workforce Act](#), which was introduced by Rep. Diana DeGette (CO-01) on July 11, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded H.R. 6236, as amended by an Amendment in the Nature of a Substitute, by voice vote.

The section would amend the AEA to authorize the NRC Chairman, upon certification that such need exists, to recruit and directly appoint highly qualified individuals to address a severe shortage of candidates or a critical hiring need for covered positions to carry out NRC activities in a timely, efficient, and effective manner. The number of employees recruited or appointed under this provision would be capped. The section would authorize an exception to Federal equal compensation laws for the NRC to increase employee compensation, up to a certain limit, to assist with recruitment and retention of employees, pursuant to the certification that such increased compensation is necessary. Additionally, the section would authorize the NRC to obtain the services of outside experts and consultants and would allow provision of bonuses of up to \$25,000 per employee. The section would require annual reporting to Congress and require a Comptroller General assessment of the program.

**Sec. 111. Advanced reactor fee reduction.** This section incorporates [H.R. 6326 - Advanced Reactor Fee Reduction Act](#), which was introduced by Rep. Larry Bucshon (IN-08) and Rep. Scott Peters (CA-05) on November 9, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of H.R. 6326 by voice vote.

The section would amend NEIMA to reduce the hourly rate for fees assessed and collected by the NRC from applicants for advanced nuclear reactor licenses. It would also reduce the hourly rate, through fiscal year 2029, for such fees from entities that engage in preapplication activities for purposes of submitting a future advanced nuclear reactor license application. The provision would provide that fees reflect only mission-direct program costs and that the Commission may not collect fees from qualified entities for costs that are not mission-direct

program costs. Such mission indirect and other agency support costs would be excluded from NRC's fee recovery requirements.

**Sec. 112 Advance nuclear reactor prize nuclear reactor Prize Act.** This section incorporates [H.R. 6253 - Advanced Nuclear Reactor Prize Act](#), which was introduced by Rep. John Curtis (UT-03) and Rep. Paul Tonko (NY-20) on November 7, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of H.R. 6253 by voice vote.

The section would authorize the Secretary of Energy to make targeted awards to cover fees assessed by the NRC and collected from a non-federal entity or the Tennessee Valley Authority for the first technologies that are licensed and made operational in five categories: the first advanced nuclear reactor licensed; the first advanced nuclear reactor to use isotopes derived from spent nuclear fuel as fuel for a reactor; the first advanced reactor that is part of an integrated energy system; the first advanced reactor that is used for nonelectric applications; and the first nuclear reactor licensed under the new technology-inclusive framework required by NEIMA.

**Sec.121. Modernization of nuclear reactor environmental reviews.** This section incorporates [H.R. 6252 - Modernize Nuclear Reactor Environmental Reviews Act](#) which was introduced by Rep. Randy Weber (TX-14) on November 6, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of H.R. 6252 by voice vote.

The section would direct the NRC to submit a report and conduct a rulemaking to facilitate efficient, timely environmental reviews of nuclear reactor applications pursuant to the National Environmental Policy Act (NEPA). The report would include a description of actions taken to implement recent amendments to NEPA and to consider additional measures to facilitate timely reviews while meeting the obligations of NEPA, including through use of categorical exclusions, environmental assessments, and generic environmental assessments, as well as process efficiencies to reduce duplicative reviews. The NRC would be required to complete a final rulemaking, two years after completing its report, that implements identified measures to update its environmental review requirements.

**Sec.122. Nuclear for Brownfields site preparation.** This section incorporates [H.R. 6268 - Nuclear for Brownfields Site Preparation Act](#), which was introduced by Rep. Brett Guthrie (KY-02) and Rep. Paul Tonko on November 7, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of H.R. 6268 by voice vote.

The section would direct the NRC to identify and report on regulations, guidance, or policy necessary to license and oversee nuclear facilities at brownfield sites, including sites with retired fossil fuel facilities, and at retired fossil fuel sites, where one or more electric generation facilities are retired or scheduled to retire. The NRC would be required to consider how existing site infrastructure can be reused and how early site permits, plant parameter envelopes, or standardized applications for similar sites may be used for licensing. The NRC would be required to develop and implement strategies, including through rulemaking, to enable and

support licensing of nuclear facilities, taking into consideration matters relating to existing emergency planning, environmental data and reviews, decontamination and remediation, community engagement, and historical experience with energy use at the sites.

**Sec. 123. Advancement of nuclear regulatory oversight.** This section incorporates [H.R. 6346 - Advancing Nuclear Regulatory Oversight Act](#), which was introduced by Rep. Debbie Lesko (AZ-08) on November 9, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of H.R. 6346 by voice vote.

The section would direct the NRC to submit a report that examines any changes, including temporary changes, the NRC made to its regulatory oversight processes or procedures during the Covid-19 pandemic and that explains how the NRC will incorporate resulting lessons identified into its oversight processes and procedures to become more efficient. The section would also direct the NRC to develop a report, in consultation with federal, industry, and nongovernmental stakeholders, that assesses, and describes what actions the NRC will take to modify, and improve its nuclear reactor oversight and inspections programs to maximize the efficiency of such programs through risk-informed, performance-based procedures, information technology, regular staff training, and other measures. The section would also direct the Comptroller General to examine and make recommendations to reduce NRC office and facility costs through reduction or consolidation of offices and related measures, as appropriate.

**Sec. 201. Advanced nuclear deployment.** This section incorporates, [H.R. 6526 - Advanced Nuclear Deployment Act](#), which was introduced by Rep. Richard Hudson (NC-09) and Rep. Kim Schrier (WA-08) on November 30, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of the bill by voice vote.

The section would amend NEIMA to authorize funding to the NRC to support preapplication activities and early site permit reviews for advanced reactors that will be located on either Department of Energy (DOE) or critical national security infrastructure sites. The activities would be excluded from the NRC's fee recovery requirements. The section would direct the NRC to identify and implement regulatory guidance or, as necessary, issue regulations for licensing issues concerning micro-reactors. The section would require the NRC to establish procedures to ensure licensing decisions to construct and operate new reactors using previously licensed designs, and sited on, or adjacent to, existing sites to be made within 25 months. The section would authorize the Secretary of Energy to enter into power purchase agreements of up to 40 years for eligible nuclear reactors, with a priority for advanced reactors that provide power to high-value assets or to increase energy security in remote locations.

**Sec. 202. Global nuclear cooperation.** This section incorporates [H.R. 995 - Global Nuclear Energy Assessment and Cooperation Act](#), which was introduced by Reps. Buddy Carter (GA-01) and Scott Peters (CA-50) on February 14, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded H.R. 995, as amended, by voice vote.

The section would direct the Secretary of Energy to conduct a comprehensive study of the global status of civilian nuclear energy and supply chains and to recommend measures to increase the role of U.S. nuclear energy in strategic energy policy, to remove regulatory barriers



to development of U.S. nuclear supply chains, to align nuclear energy with national security objectives and to mitigate foreign competitor's strategic use of civil nuclear for geopolitical purposes. The section would require the Secretary to establish a program to promote U.S. safety standards, technology, and expertise through training and partnerships with foreign allies. The section would also establish an "International Nuclear Reactor Export and Innovation Branch" within the NRC's international programs office to coordinate Commission international nuclear export and innovation activities. The fees for such activity would be excluded from the NRC's fee recovery requirements. The section would amend the AEA to require NRC denial of licenses to possess or own nuclear fuel assemblies fabricated by Russia or China owned or controlled entities, if the Secretary of Energy, in consultation with the Secretary of State, determines the possession or ownership poses a threat to national and economic security of the United States.

**Sec. 203. American nuclear competitiveness.** This section incorporates [H.R. 6303 - Strengthening American Nuclear Competitiveness Act](#) which was introduced by Rep. Bill Johnson (OH-06) on November 8, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded H.R. 6303 by voice vote.

The section would direct the Secretary of Energy to identify factors other than agreements under section 123 of the AEA that may be used to determine a country's status to be "generally authorized" to receive unclassified nuclear technology and assistance and to update its list of "generally authorized" countries at least every five years, taking these factors into account. It would remove restrictions on investments in U.S. nuclear technology by certain foreign allies and companies incorporated within those allied countries. The section would extend section 170 of the AEA, commonly known as the "Price-Anderson Act," to December 31, 2065, would increase the indemnification coverage, and would require the Comptroller General to study risk-pooling analyses associated with the Act. The section also would require the NRC to study and recommend steps for efficient licensing for new, nonelectric uses of nuclear energy and for advanced manufacturing techniques to build American nuclear reactors.

### **H.R. 5718, Nuclear Fuel Security Act of 2023**

H.R. 5718, the Nuclear Fuel Security Act, was introduced by Rep. Bob Latta (OH-05), Rep. James Clyburn (SC-06), Rep. Troy Balderson (OH-12), and Rep. Ann Kuster (NH-02) was introduced on September 26, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of the bill by voice vote.

This legislation would provide authorizations for the Secretary of Energy to increase domestic production of high-assay, low-enriched uranium (HALEU) by certain annual quantities and to support availability of supplies of domestically produced, converted, and enriched uranium for existing reactors, as necessary, particularly to respond to supply disruptions. The legislation would establish a Nuclear Fuel Security Program, update the American Assured Fuel Supply Program, and establish a HALEU for Advanced Reactor Demonstrations Program, through which the Secretary will support domestic fuel capacity for the commercial market and for DOE demonstration projects.

### **H.R. 4167, Protecting America’s Distribution Transformer Supply Chain Act**

H.R. 4167, the Protecting America’s Distribution Transformer Supply Chain Act was introduced by Rep. Richard Hudson (NC-09) on June 15, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of the bill by a vote of 17 of 13.

This bill would prohibit DOE from imposing new efficiency standards for distribution transformers until 5 years after the date of enactment. Under the legislation, the current standards for distribution transformers that were published in 2013 would remain in effect in the intervening period of time.

### **H.R. 6192, Hands Off Our Home Appliances Act**

H.R. 6192, the Hands Off Our Home Appliances Act was introduced by Rep. Debbie Lesko (AZ-08) on November 2, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of the bill by vote of 16 to 11.

This bill would amend the Energy Policy and Conservation Act (EPCA) to reform DOE’s procedures for issuing energy efficiency standards. The bill would prohibit DOE from prescribing any new or amended energy efficiency standards for a product that is not technologically feasible and economically justified. The bill defines a minimum threshold for energy or water savings that must be achieved to justify a new regulation and would establish several new factors that DOE must consider, including the cost to low-income households, and the full lifecycle costs associated with requiring consumers to purchase a new qualifying appliance.

### **H.R. 6185, Guaranteeing Reliable Infrastructure Development (GRID Act) Act**

H.R. 6185, the Guaranteeing Reliable Infrastructure Development (GRID) Act was introduced by Rep. Jeff Duncan (SC-03) on November 2, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of the bill by vote of 15 of 12.

This bill would amend the Federal Power Act (FPA) to require coordination between the Federal Energy Regulatory Commission (FERC) and any Federal agency that promulgates a regulation that could threaten the reliable operation of the bulk power system. The bill would ensure that electric reliability authorities are given adequate input in the regulatory process when such regulations pose a threat to grid reliability or resource adequacy.

### **H.R. 6421, the Affordable HOMES Act**

H.R. 6421, the Affordable HOMES Act was introduced by Rep. Larry Bucshon (IN-08) on November 15, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded a discussion draft of the bill by a vote of 15 of 12.



This bill would repeal section 413 of the Energy Independence and Security Act of 2007 relating to energy efficiency standards applicable to manufactured housing. The bill would also render the final rule titled “Energy Conservation Program: Standards for Manufactured Housing” published in the Federal Register on May 31, 2022, to have no force or effect.

#### **H.R. 4045, Hydropower Clean Energy Future Act**

H.R. 4045, the Hydropower Clean Energy Future Act was introduced by Chair McMorris Rodgers on June 12, 2023. On October 24, 2023, the Subcommittee on Energy, Climate, and Grid Security forwarded H.R. 4045, as amended, by a vote of 16 to 12.

H.R. 4045 would amend the FPA to modernize the hydropower licensing process and promote next-generation hydropower projects. The bill would expedite the non-Federal hydropower licensing process by requiring FERC, and all resource agencies with responsibilities in the licensing process, to establish a schedule and coordinate reviews, subject to interagency dispute resolution by Council on Environmental Quality (CEQ) and penalties for failure to meet scheduled deadlines. The bill would also create an expedited 2-year licensing process for next-generation hydropower facilities and allow for regulatory exemptions for a small hydropower project if it is unlikely to threaten protected species.

#### **H.R. \_\_\_, Promoting Resilient Supply Chains Act (Reps. Bucshon and Blunt Rochester)**

This bill would establish a supply chain resiliency program within the Department of Commerce (DOC) (1) to promote U.S. leadership in critical industries and emerging technologies; (2) to encourage private-public partnerships (3) to promote resilient supply chains and respond to critical industry and emerging technology supply chains shocks; and (4) to encourage the development and competitiveness of U.S. productive capacities and manufacturing in the U.S.

A discussion draft of this bill was forwarded by the Subcommittee on Innovation, Data, and Commerce by voice vote on November 2, 2023.

#### **H.R. \_\_\_, Deploying American Blockchains Act (Reps. Bucshon and Blunt Rochester)**

This bill would direct the Secretary of Commerce to take actions necessary and appropriate to promote the competitiveness of the United States related to the deployment, use, application, and competitiveness of blockchain technology or other distributed ledger technology and for other purposes.

#### **H.R. 5390, Critical Infrastructure Manufacturing Feasibility Act (Reps. Miller-Meeks, Bucshon, Johnson, Kuster, Schrier, and Spanberger)**

This bill would require the Department of Commerce to study and report on products that are in high demand across the critical infrastructure sectors. Critical infrastructure sectors are

those whose assets, systems, and networks are vital to national security, the economy, public health or safety, or any combination of those matters.

The study must (1) identify the products in high demand across those sectors that are being imported due to manufacturing, material, or supply chain constraints; and (2) analyze the costs, benefits, and feasibility of manufacturing those products in the United States.

H.R. 5390 was introduced on September 12, 2023. It was forwarded by the Subcommittee on Innovation, Data, and Commerce by voice vote on November 2, 2023.

**H.R. 5398, Advancing Tech Startups Act (Reps. Johnson and Phillips)**

This bill would require the Department of Commerce to study and report on the impact of technology startup companies on the U.S. economy.

The study must, among other things, (1) describe the activities of identified locations that are dedicated to the creation, development, and growth of technology startup companies; (2) establish a list of federal agencies asserting jurisdiction over entities and industry sectors dedicated to technology startup companies; and (3) assess risks and trends in relevant marketplaces and supply chains that impact technology startup companies in the United States. The Department would have to report to Congress the results of such study and any recommendations to promote the creation, development, and growth of technology startup companies.

H.R. 5390 was introduced on September 12, 2023. It was forwarded by the Subcommittee on Innovation, Data, and Commerce by a vote of 21 to 0 on November 2, 2023.

**H.R. 5146, Advancing Gig Economy Act (Reps. Joyce and Pence)**

This bill would require the Department of Commerce to study and report on the impact of the gig economy on U.S. businesses conducting interstate commerce.

The study must involve, among other things, (1) outreach to participating entities to establish a list of industry sectors that take part in the gig economy, (2) surveying federal activity on the gig economy to develop a list of agencies asserting jurisdiction over entities in and sectors of the gig economy, and (3) surveying state laws regulating the gig economy to determine their impact on both the gig economy and the U.S. economy.

The Department would have to report to Congress the results of such study and any recommendations to promote the growth of the gig economy.

H.R. 5146 was introduced on August 4, 2023. It was forwarded by the Subcommittee on Innovation, Data, and Commerce by a vote of 12 to 9 on November 2, 2023.

**H.R. 3950, Transparency In Charges for Key Events Ticketing (TICKET) Act (Reps. Bilirakis and Schakowsky)**

This bill would require sellers of event tickets to disclose comprehensive information to consumers about ticket prices and related fees. Ticket sellers in the primary and secondary marketplace would be required to display the total ticket price, as well as an itemized list including all fees up front to the consumer at the beginning of a transaction prior to ticket selection. Disclosure of the full ticket price would also be required in any advertisement, marketing activity, or price list.

The bill would also require ticket sellers to disclose to consumers in a clear and conspicuous manner whether the ticket issuer has actual or constructive possession of the event ticket at the time of sale. Violations of these ticket transparency requirements would be enforced as an “unfair or deceptive act or practice” by the Federal Trade Commission (FTC).

H.R. 3950 was introduced on June 9, 2023. It was forwarded by the Subcommittee on Innovation, Data, and Commerce by voice vote on November 2, 2023.

**H.R. \_\_\_\_, Speculative Ticketing Oversight and Prohibition Act or the STOP Act of 2023 (Reps. Armstrong, Bilirakis, and Schakowsky)**

This bill would ban the sale of speculative tickets, which are tickets where an issuer or secondary market ticket issuer does not have actual or constructive possession of an event ticket. This would not prohibit any services associated for procuring the ticket once the tickets go on sale. In addition, the bill will address issues related to deceptive event ticket websites and refund requirements for event cancellation. The bill will also require the FTC to conduct a report on enforcement of the Better Online Ticket Sales Act of 2016, and any issues related to enforcement. The bill would authorize the FTC to enforce its requirements under 15 U.S.C. 57a(a)(1)(B).

A discussion draft of this bill was forwarded by the Subcommittee on Innovation, Data, and Commerce by voice vote on November 2, 2023.

**H.R. 6543, No Hidden Fees on Extra Expenses for Stays Act (Rep. Kim)**

This bill would prohibit covered providers from advertising prices for hotel rooms and other places of short-term lodging that do not include each mandatory fee. A violation of provisions in this act would be treated as a violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). In addition to enforcement by the FTC, a state attorney general, official, or agency of a state could bring a civil action on behalf of the residents of the State if they have reason to believe that an interest of the residents of the

State has been or is being threatened or adversely affected by a practice that violates provisions of this Act.

A discussion draft of this bill was forwarded by the Subcommittee on Innovation, Data, and Commerce by voice vote on November 2, 2023.

**H.R. 6125, Online Dating Safety Act of 2023 (Reps. Valadao and Pettersen)**

This bill would require online dating service providers to issue a fraud ban notification to members of the online dating service if the member has received and responded to a message from a banned member of the online dating service. The fraud ban notification requirements would include but are not limited to the following: username or other profile identifier of the banned member; a statement that a member should not send money or personal financial information to another member; and an online link to information regarding ways to avoid online fraud or being defrauded by a member of an online dating service. A violation of the provisions of this Act would be treated as a violation of a regulation under section 6 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding “unfair or deceptive acts or practices.”

H.R. 6125 was introduced on October 30, 2023. It was forwarded by the Subcommittee on Innovation, Data, and Commerce by vote of 11 to 8 on November 2, 2023.

**H.R. 5202, Virginia Graeme Baker Pool and Spa Safety Reauthorization Act, as forwarded by the Subcommittee on Innovation, Data, and Commerce on November 2, 2023 (Reps. Wasserman Schultz, Burgess, Carter, Allred, Castor, Williams, Garcia, Flood, Ross, Bacon, and Gottheimer)**

The Virginia Graeme Baker Pool and Spa Safety (VGB) Act, first authorized in 2008, would extend the Consumer Product Safety Commission’s (CPSC’s) authority to improve the safety of all pools and spas by increasing the layers of protection and promoting uninterrupted supervision to prevent child drowning and entrapment. The law has three principal elements: (1) requires every public pool in the U.S. to install safe drain covers that prevent suction entrapment; (2) a grant program for states, localities, and Indian Tribes to enforce standards and educate communities about drowning and entrapment dangers; and (3) a national public education campaign, “Pool Safely,” that raises awareness about drowning prevention.

H.R. 5202 was introduced on August 11, 2023. It was forwarded by the Subcommittee on Innovation, Data, and Commerce, as amended, by a vote of 20 to 0 on November 2, 2023.

**H.R. 2964, Wastewater Infrastructure Pollution Prevention and Environmental Safety (WIPPES) Act (Reps. McClain and Peltola)**

This bill would require the FTC to issue regulations requiring entities responsible for the labeling or retail packaging of certain premoistened, nonwoven wipes (e.g., baby wipes, cleaning wipes, or personal care wipes) to label such products clearly and conspicuously with the phrase “Do Not Flush” and accompanying symbol as depicted under specified industry guidelines. The FTC would be authorized to enforce this requirement.

H.R. 2964 was introduced on April 27, 2023. It was forwarded by the Subcommittee on Innovation, Data, and Commerce by voice vote on November 2, 2023.

**H.R. 1797, Setting Consumer Standards for Lithium-Ion Batteries Act, as forwarded by the Subcommittee on Innovation, Data, and Commerce on November 2, 2023 (Reps. Torres, Garbarino, Clarke, Ryan, Bowman, D’Esposito, Espaillat, and Goldman)**

This bill would require the CPSC to set a mandatory safety standard for lithium-ion batteries in micro mobility devices like e-bikes, and e-scooters. Specifically, this bill would require the CPSC to promulgate a final consumer product safety standard for rechargeable lithium-ion batteries used in micro-mobility devices, including electric bicycles and electric scooters, to protect against the risk of fires caused by such batteries. The standard would include requirements with respect to equipment related to or used with rechargeable lithium-ion batteries used in micro-mobility devices. The bill would also require the CPSC to specify types of rechargeable lithium-ion batteries and types of micro-mobility devices that are within the scope of the consumer product safety standard. This consumer product safety standard must be treated as a consumer product safety rule under section 9 of the Consumer Product Safety Act.

H.R. 1797 was introduced on March 24, 2023. It was forwarded by the Subcommittee on Innovation, Data, and Commerce, as amended, by a vote of 20 to 0 on November 2, 2023.

**H.R. 6132, Awning Safety Act of 2023 (Reps. Balderson and Castor)**

This bill would require the CPSC to promulgate a mandatory standard, under Sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056, 58), with regard to fixed and freestanding motorized retractable awnings within the jurisdiction of the CPSC, related to the risk of injury or death from the awning unexpectedly opening and striking a person.

H.R. 6132 was introduced on November 11, 2023. A discussion draft of the bill was forwarded by the Subcommittee on Innovation, Data, and Commerce, by voice vote on November 2, 2023.

**H.R. 4310, Youth Poisoning Protection Act (Reps. Trahan, Carey, Porter, and Stewart)**

The bill would ban high-concentration sodium nitrite from commerce by adding such products to the list of banned hazardous products in the Consumer Product Safety Act (15 U.S.C. 2057). It defines “high concentration of sodium nitrite” as a concentration of sodium nitrite greater than 10 percent; there are no known consumer products that need to contain sodium nitrite above this level. It would not affect sales of high-concentration sodium nitrite to businesses, or to research or medical institutions.

H.R. 4310 was introduced on June 22, 2023. It was forwarded by the Subcommittee on Innovation, Data, and Commerce by voice vote on November 2, 2023.

**H.R. 4814, Consumer Safety Technology Act (Reps. Soto, Burgess, Trahan, and Guthrie)**

This bill would require various agencies to explore the use of emerging technologies in the context of consumer products and safety. First, the CPSC would be required to consult with relevant stakeholders, such as data scientists and product manufacturers, and use artificial intelligence in a pilot program for a least one of the following processes: (1) tracking trends in injuries involving consumer products, (2) identifying consumer product hazards, (3) monitoring the sale of recalled consumer products, or (4) identifying consumer products that do not meet specified importation requirements related to product safety.

Additionally, the Department of Commerce would be required to consult with the FTC and other relevant agencies to study the ways blockchain technology could be used to prevent or mitigate fraud. Finally, the FTC would be required to report on its efforts to address unfair or deceptive trade practices related to tokens, meaning a digital representation of information secured by a blockchain or other distributed ledger technology.

H.R. 4814 was introduced on July 20, 2023. It was forwarded by the Subcommittee on Innovation, Data, and Commerce by voice vote on November 2, 2023.

**H.R. 2365, the National Plan to End Parkinson’s Act (Reps. Bilirakis and Tonko)**

This bill would direct the Secretary of Health and Human Services (HHS) to coordinate federal efforts and carry out a national review, assessment, plan, and strategy that involves activities related to the prevention, management, treatment, and cure of Parkinson’s Disease. This bill would also require HHS to establish an advisory council to evaluate current efforts, issue recommendations, and evaluate the national plan and strategy related to Parkinson’s Disease.

H.R. 2365 was introduced on March 29, 2023.

**H.R. 5372, Expanding Seniors' Access to Lower Cost Medicines Act of 2023 (Reps. Joyce and Peters)**

This bill would encourage greater patient access to biosimilar products by allowing for mid-year changes in insurance plan formularies for certain biosimilar products starting in 2025.

H.R. 5372 was introduced on September 8, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

**H.R. 2880, Protecting Patients Against PBM Abuses Act (Reps. Carter and Blunt Rochester)**

This bill would establish new requirements for pharmacy benefit managers (PBMs) under Medicare Part D, including a policy to de-link PBM compensation from the cost of medications, while also prohibiting the use of spread pricing in which a PBM charges a sponsor a different amount for the drug's ingredient cost or dispensing fee than the amount the PBM reimburses the pharmacy for such ingredient cost or dispensing fee. The legislation also prohibits PBMs from compensating a network pharmacy less than affiliated pharmacies and includes transparency provisions related to the PBM rebates and administrative fees.

H.R. 2880 was introduced on April 26, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

**H.R. 5393, To amend title XVIII of the Social Security Act to ensure fair assessment of pharmacy performance and quality under Medicare part D, and for other purposes (Reps. Griffith and Carter)**

This bill would standardize pharmacy performance measures in the Medicare Part D program that assess network pharmacy performance by requiring that prescription drug plans (PDPs) only use pharmacy performance measures that are established by the Secretary of the Department of Health and Human Services (HHS) and are relevant to a particular pharmacy. The legislation would require an HHS Office of the Inspector General (OIG) report studying the implementation of these performance measures. The legislation would also establish a process by which PDPs provide their network pharmacies with comprehensive information about pricing prescription drug claims.

H.R. 5393 was introduced on September 12, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.



**H.R. 5385, Medicare PBM Accountability Act (Reps. Landsman and Harshbarger)**

This bill would create enhanced PBM reporting requirements, including annual reporting of drug pricing and other information to the Secretary of HHS including information about Part D drugs, drug dispensing, drug costs and pricing, generic and biosimilar formulary placement, PBM affiliates, financial arrangements with consultants, and potential PBM conflicts of interest. The information submitted would not be publicly disclosed except in limited circumstances. The legislation would stipulate an audits and enforcement process by which prescription drug plans (PDPs) can audit their PBM for compliance.

H.R. 5385 was introduced on September 12, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

**H.R. 5386, Cutting Copays Act (Reps. McGarvey and Bilirakis)**

This bill would clarify Medicare Part D cost-sharing for generic drugs for low-income patients in the Low-Income Subsidy (LIS) program by setting generic drug co-pays at \$0.

H.R. 5386 was introduced on September 12, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

**H.R. 4881, To amend title XVIII of the Social Security Act to limit cost sharing for drugs under the Medicare program. (Reps. Malliotakis and Wenstrup)**

This bill would limit patient cost-sharing for drugs under Medicare Part D starting in 2027 by providing that patients would not be required to pay more than the insurance company is paying for highly rebated drugs once all the discounts are accounted for.

H.R. 4881 was introduced on July 25, 2023. It was forwarded by the Subcommittee on Health voice vote on November 15, 2023.

**H.R. 5389, National Coverage Determination Transparency Act (Reps. Guthrie and Kelly)**

This bill would require the Secretary of HHS to determine whether a request for a National Coverage Determination (NCD) is complete within 30 days of receiving the request. The bill would also allow the Secretary to work directly with the entity who submitted the request to update and resubmit the request if the Secretary finds that the application is incomplete. Additionally, the Secretary would be required to make all complete NCD applications publicly available on Centers for Medicare and Medicaid Services' (CMS's) website. Finally, the bill would clarify that the timeline for making a NCD begins on the date the Secretary receives an NCD application.

H.R. 5389 was introduced on September 12, 2023. It was forwarded by the Subcommittee on Health, as amended, by voice vote on November 15, 2023.

**H.R. 133, Mandating Exclusive Review of Individual Treatments (MERIT) Act (Reps. Buchanan and Barragan)**

This bill would clarify that national coverage determinations for drugs and biologics under the Medicare program must be made with respect to each drug or biologic, not with respect to a class of drugs or of biologics.

H.R. 133 was introduced on January 9, 2023. It was forwarded by the Subcommittee on Health, as amended, by voice vote on November 15, 2023.

**H.R. 5396, Coverage Determination Clarity Act of 2023 (Rep. Bucshon)**

This bill would prohibit Local Coverage Determinations (LCDs) from being more restrictive than existing NCDs and require the Secretary of HHS to review LCDs annually to ensure they are consistent with existing NCDs.

H.R. 5396 was introduced on September 12, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

**H.R. 5371, Choices for Increased Mobility Act of 2023 (Reps. Joyce and Phillips)**

This bill would clarify payment rules for manual wheelchairs under Medicare Part B to specify that coverage of manual wheelchairs does not include expenses associated with the use of titanium or carbon fiber materials to construct the base of a wheelchair, allowing patients with Medicare Part B to pay out-of-pocket for wheelchair upgrades if they so choose.

H.R. 5371 was introduced on September 8, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

**H.R. 5388, Supporting Innovation for Seniors Act (Reps. Balderson and Buchanan)**

This bill would expand a flexibility offered through the Medicare Advantage Value-Based Insurance Design (VBID) Model to allow all Medicare Advantage plans to increase access to innovative medical devices and technologies using their existing supplemental benefit funds.

H.R. 5388 was introduced on September 12, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

**H.R. 5380, To amend title XVIII of the Social Security Act to increase data transparency for supplemental benefits under Medicare Advantage (Rep. Sarbanes)**

This bill would require enrollee-level utilization reporting of supplemental benefits by Medicare Advantage plans.

H.R. 5380 was introduced on September 8, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

**H.R. 3842, Expanding Access to Diabetes Self-Management Training Act of 2023 (Reps. Schrier, Bilirakis, and Bucshon)**

This bill would expand coverage for diabetes outpatient self-management training services and remove patient cost-sharing and deductible requirements under Medicare Part B. The legislation would also require the Center for Medicare and Medicaid Innovation (CMMI) to test a model covering virtual diabetes outpatient self-management training services.

H.R. 3842 was introduced on June 6, 2023. It was forwarded by the Subcommittee on Health, as amended, by voice vote on November 15, 2023.

**H.R. 5397, Joe Fiandra Access to Home Infusion Act of 2023 (Reps. Fitzpatrick and Soto)**

This bill would codify a proposed CMS durable medical equipment (DME) policy that clarifies coverage of an external infusion pump under the Medicare DME benefit by clarifying the definition of external infusion pumps as “appropriate for use in the home” for individuals who are unable to self-administer drugs that meet certain criteria.

H.R. 5397 was introduced on September 12, 2023. It was forwarded by the Subcommittee on Health, as amended, by voice vote on November 15, 2023.

**H.R. 6366, To amend title XVIII of the Social Security Act with respect to the work geographic index for physician payments under the Medicare program and to revise the phase-in of clinical laboratory test payment changes under such program (Rep. Hudson)**

This bill would extend for one year a policy to increase the work geographic index to 1.00 for any locality where the index would be less than 1.00, which is otherwise set to expire January 1, 2024. The bill would also delay cuts and reporting under the clinical lab fee schedule.

H.R. 6366 was introduced on November 13, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

**H.R. 6369, To amend title XVIII of the Social Security Act to extend incentive payments for participation in eligible alternative payment models (Reps. Schrier and Dunn)**

This bill would extend incentive payments for participation in eligible alternative payment models (APMs) for one year and tiers the size of the bonus according to how long a provider has participated in an APM to better account for increased up-front costs of APM participation.

H.R. 6369 was introduced on November 13, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

**H.R. 5555, DMEPOS Relief Act of 2023 (Reps. Miller-Meeks and Tonko)**

This legislation would require the Secretary of HHS to provide certain adjustments to Medicare payment for items of durable medical equipment that were formerly included in round 2021 of the Durable Medical Equipment, Prosthetics/Orthotics and Supplies (DMEPOS) competitive bidding program.

H.R. 5555 was introduced on September 19, 2023. It was forwarded by the Subcommittee on Health by a vote of 16 to 12 on November 15, 2023.

**H.R. 6545, the Physician Fee Schedule Update and Improvements Act (Reps. Miller-Meeks, Schrier, Bucshon, Kelly)**

This bill would extend for one year a policy to increase the work geographic index to 1.00 for any locality where the index would be less than 1.00, which is otherwise set to expire January 1, 2024. It would also increase the Medicare physician fee schedule conversion factor from 1.25% to 3% for calendar year 2024 and extend incentive payments for participation in eligible alternative payment models (APMs) for one year and tiers the size of the bonus according to how long a provider has participated in an APM to better account for increased up-front costs of APM participation.

**H.R. 6364, Medicare Telehealth Privacy Act of 2023 (Reps. Balderson, Dunn, Schweikert, and Carey)**

This bill would prohibit the Secretary of HHS from making a physician's or practitioner's address of residence publicly available if they elect to provide telehealth services from that address.

H.R. 6364 was introduced on November 13, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

**H.R. 1352, Increasing Access to Biosimilars Act of 2023 (Rep. Hudson)**

This bill would create a new pilot program to evaluate the benefits of providing additional shared savings payments to providers of biosimilars under Medicare.

H.R. 1352 was introduced on March 3, 2023. It was forwarded by the Subcommittee on Health by voice vote on November 15, 2023.

### **III. STAFF CONTACTS**

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

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

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