



COMMITTEE ON
ENERGY & COMMERCE

CHAIRMAN FRANK PALLONE, JR.

MEMORANDUM

July 19, 2021

To: Committee on Energy and Commerce Members and Staff

Fr: Committee on Energy and Commerce Staff

Re: Full Committee Markup of 16 Health Bills and 8 Communications and Technology Bills

On Wednesday, July 21, 2021, at 10 a.m. (EDT) in the John D. Dingell Room, 2123 of the Rayburn House Office Building, and via Cisco Webex online video Conferencing, the Committee on Energy and Commerce will hold a markup of the following 24 bills:

H.R. 4369, the “National Centers of Excellence in Advanced and Continuous Pharmaceutical Manufacturing Act”; **H.R. 654**, the “Drug-Free Communities Pandemic Relief Act”; **H.R. 2051**, the “Methamphetamine Response Act of 2021”; **H.R. 2379**, the “State Opioid Response Grant Authorization Act of 2021”; **H.R. 2364**, the “Synthetic Opioid Danger Awareness Act”; **H.R. 2355**, the “Opioid Prescription Verification Act of 2021”; **H.R. 4026**, the “Social Determinants of Health Data Analysis Act of 2021”; **H.R. 3743**, the “Supporting the Foundation for the National Institutes of Health and the Reagan-Udall Foundation for the Food and Drug Administration Act”; **H.R. 550**, the “Immunization Infrastructure Modernization Act”; **H.R. 1550**, the “Promoting Resources to Expand Vaccination, Education and New Treatments for HPV Cancers Act of 2021” (the “PREVENT HPV Cancers Act of 2021”); **H.R. 951**, the “Maternal Vaccination Act”; **H.R. 4387**, the “Maternal Health Quality Improvement Act of 2021”; **H.R. 3742**, the “Vaccine Information for Nursing Facility Operators Act” (the “Vaccine INFO Act”); **H.R. 2347**, the “Strengthening the Vaccines for Children Act of 2021”; **H.R. 3894**, the “Collecting and Analyzing Resources Integral and Necessary for Guidance for Social Determinants Act of 2021” (the “CARING for Social Determinants Act of 2021”); **H.R. 4406**, the “Supporting Medicaid in the U.S. Territories Act”; **H.R. 2685**, the “Understanding Cybersecurity of Mobile Networks Act”; **H.R. 3919**, the “Secure Equipment Act of 2021”; **H.R. 4028**, the “Information and Communication Technology Strategy Act”; **H.R. 4032**, the “Open RAN Outreach Act”; **H.R. 4045**, the “Future Uses of Technology Upholding Reliable and Enhanced Networks Act” (the “FUTURE Networks” ACT); **H.R. 4046**, the “NTIA Policy and Cybersecurity Coordination Act”; **H.R. 4055**, the “American Cybersecurity Literacy Act”; and **H.R. 4067**, the “Communications Security Advisory Act of 2021”.

I. H.R. 4369, THE “NATIONAL CENTERS OF EXCELLENCE IN ADVANCED AND CONTINUOUS PHARMACEUTICAL MANUFACTURING ACT”

H.R. 4369, the “National Centers of Excellence in Advanced and Continuous Pharmaceutical Manufacturing Act”, introduced by Chairman Pallone (D-NJ) and Rep. Guthrie (R-KY), would amend the 21st Century Cures Act to direct the Food and Drug Administration (FDA) to designate National Centers of Excellence in Advanced and Continuous Pharmaceutical Manufacturing (NCEs). NCEs would work with FDA and industry to craft a national framework for advanced and continuous manufacturing implementation, including supporting additional research and development of this technology, workforce development, standardization, and collaborating with manufacturers to support adoption of advanced and continuous manufacturing. The bill authorizes \$100 million to be appropriated for NCEs each year from fiscal year (FY) 2021 through FY 2025.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 4369, as amended, to the full Committee by a voice vote.

II. H.R. 654, THE “DRUG-FREE COMMUNITIES PANDEMIC RELIEF ACT”

H.R. 654, the “Drug-Free Communities Pandemic Relief Act”, was introduced by Reps. Joyce (R-OH) and Kilmer (D-WA). This bill would allow the Drug-Free Communities program to waive a grantee’s matching requirement during the COVID-19 pandemic if they are unable to meet the match. This bill also increases the administrative cap on the Drug-Free Communities program from eight percent to 12 percent.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 654, as amended, to the full Committee by a voice vote.

III. H.R. 2051, THE “METHAMPHETAMINE RESPONSE ACT OF 2021”

H.R. 2051, the “Methamphetamine Response Act of 2021”, was introduced by Reps. Peters (D-CA) and Curtis (R-UT). This bill would designate methamphetamine as an emerging threat and requires the Office of National Drug Control Policy (ONDCP) to develop a national plan to prevent methamphetamine addiction from becoming a crisis.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 2051, without amendment, to the full Committee by a voice vote.

IV. H.R. 2379, THE “STATE OPIOID RESPONSE GRANT AUTHORIZATION ACT OF 2021”

H.R. 2379, the “State Opioid Response Grant Authorization Act of 2021”, was introduced by Reps. Trone (D-MD) and Sherrill (D-NJ). This bill would authorize the State Opioid Response Grant program and would harmonize the uses of these grants with the opioid funding provided under the 21st Century Cures Act. This bill also requires the U.S. Government

Accountability Office (GAO) to assess how grant funding is allocated to States, State perspectives on funding levels, and how grant funding is awarded under similar programs.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 2379, as amended, to the full Committee by a voice vote.

V. H.R. 2364, THE “SYNTHETIC OPIOID DANGER AWARENESS ACT”

H.R. 2364, the “Synthetic Opioid Danger Awareness Act”, was introduced by Reps. Kim (D-NJ) and Pappas (D-NH). This legislation requires the Centers for Disease Control and Prevention (CDC) to implement a public education campaign related to synthetic opioids, including fentanyl and its analogues. In addition, the National Institute for Occupational Safety and Health would be required to publish a training guide and webinar for first responders and other individuals related to exposures to synthetic opioids.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 2364, as amended, to the full Committee by a voice vote.

VI. H.R. 2355, THE “OPIOID PRESCRIPTION VERIFICATION ACT OF 2021”

H.R. 2355, the “Opioid Prescription Verification Act of 2021”, was introduced by Reps. Davis (R-IL), Bilirakis (R-FL), and Wagner (R-MO). This bill directs federal agencies to develop, disseminate, and periodically update training materials for pharmacists on verifying the identity of the patient. It also creates a preference for grants awarded to states by CDC for evidence-based overdose prevention activities to states that utilize prescription drug monitoring programs (PDMPs), require prescribers of certain controlled substances to utilize electronic prescribing, and require entry of information about the purchase of such prescriptions into the State’s PDMPs including the National Drug Code or compounded identifier, the quantity dispensed, the patient identifier, and the date filled.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 2355, as amended, to the full Committee by a voice vote.

VII. H.R. 4026, THE “SOCIAL DETERMINANTS OF HEALTH DATA ANALYSIS ACT OF 2021”

H.R. 4026, the “Social Determinants of Health Data Analysis Act of 2021”, introduced by Reps. Burgess (R-TX) and Blunt Rochester (D-DE), requires the Comptroller General of the United States to submit to Congress within two years of enactment a report on the actions taken by the Secretary of Health and Human Services (HHS) to address social determinants of health. The report shall include: an analysis of how data collection undertaken by HHS complies with Federal and state privacy laws and regulations, a description of any coordination by HHS with other relevant Federal, State, and local agencies, an identification of any potential for duplication or any barriers, and recommendations on how to foster public-private partnerships and leverage the private sector to address social determinants of health.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 4026, without amendment, to the full Committee by a voice vote.

VIII. H.R. 3743, THE “SUPPORTING THE FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH AND THE REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION ACT”

H.R. 3743, the “Supporting the Foundation for the National Institutes of Health and the Reagan-Udall Foundation for the Food and Drug Administration Act”, introduced by Reps. Hudson (R-NC) and Eshoo (D-CA), would authorize the National Institutes of Health (NIH) and FDA to increase transfer authority for funding to their supporting foundations, the Foundation for the National Institutes of Health (FNIH) and the Reagan-Udall Foundation for the Food and Drug Administration.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 3743, without amendment, to the full Committee by a voice vote.

IX. H.R. 550, THE “IMMUNIZATION INFRASTRUCTURE MODERNIZATION ACT”

H.R. 550, the “Immunization Infrastructure Modernization Act”, introduced by Reps. Kuster (D-NH) and Bucshon (R-IN), would authorize \$400 million for grants to expand, enhance, and improve immunization information systems administered by health departments and used by health care providers. This bill directs HHS to develop a strategy to improve immunization information systems, designate data and technology standards for the systems, and award grants to health departments and government organizations to improve their immunization systems based on the developed standards. It also requires HHS to report to the Committee one year after enactment on the barriers to public health authorities on implementing interoperable immunization information systems, the exchange of information, or reporting, as well as the barriers to establish effective networks to support immunization reporting and monitoring and an assessment of immunization coverage and access including any disparities or gaps. This bill also requires CDC to provide technical assistance to health care providers and adds scheduling and administration of vaccinations as an allowable use of grant funds.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 550, as amended, to the full Committee by a voice vote.

X. H.R. 1550, THE “PROMOTING RESOURCES TO EXPAND VACCINATION, EDUCATION AND NEW TREATMENTS FOR HPV CANCERS ACT OF 2021” (THE “PREVENT HPV CANCERS ACT OF 2021”)

H.R. 1550, the “PREVENT HPV Cancers Act of 2021”, introduced by Reps. Castor (D-FL) and Schrier (D-WA), would promote public awareness of human papilloma virus (HPV) vaccines, which can prevent HPV and cancers associated with HPV. The bill as amended by the

Health Subcommittee would also reauthorize and enhance Johanna’s Law,¹ an existing CDC program aimed at preventing and increasing awareness of gynecologic cancers.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 1550, as amended, to the full Committee by a voice vote.

XI. H.R. 951, THE “MATERNAL VACCINATION ACT”

H.R. 951, the “Maternal Vaccination Act”, introduced by Rep. Sewell (D-AL) and 44 original cosponsors, would extend vaccine outreach efforts to pregnant and postpartum individuals and obstetric care providers.² The existing vaccine outreach authorization would be increased by \$2 million, to \$17 million.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 951, as amended, to the full Committee by a voice vote.

XII. H.R. 4387, THE “MATERNAL HEALTH QUALITY IMPROVEMENT ACT OF 2021”

H.R. 4387, the “Maternal Health Quality Improvement Act of 2021”, introduced by Reps. Kelly (D-IL), Bucshon, Adams (D-NC), Burgess, Hayes (D-CT), and Latta (R-OH), amends the Public Health Service Act to authorize grant funding to identify, develop, or disseminate best practices to improve maternal health quality and outcomes and eliminate preventable maternal mortality and severe maternal morbidity. The bill also establishes a grant program to award funding to accredited health professional schools for the training of health care professionals in order improve the provision of maternal health care with respect to perceptions and biases that may affect care.

Additionally, H.R. 4387 authorizes a competitive grant program to support perinatal quality collaboratives to improve perinatal care and health outcomes for pregnant and postpartum women and their infants. The bill also permits the Secretary of HHS to award grants to States, Indian Tribes, and Tribal organizations to deliver integrated health care services to pregnant and postpartum women. Finally, the legislation also includes provisions to improve rural maternal and obstetric care, including data collection and care networks, as well as telehealth resources and training.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 4387, without amendment, to the full Committee by a voice vote.

XIII. H.R. 3742, THE “VACCINE INFORMATION FOR NURSING FACILITY OPERATORS ACT” (THE “VACCINE INFO ACT”)

¹ 42 U.S.C. 247b-17(d).

² Pub. L. No. 116-260.

H.R. 3742, the “Vaccine INFO Act”, introduced by Reps. Bilirakis and Rice (D-NY), would require the Secretary of HHS to issue revised regulations requiring dissemination of information to staff on routine vaccines recommended by the Advisory Committee on Immunization Practices (ACIP) for health care personnel, including information on the benefits and potential side effects of receiving the vaccines and where they may receive the vaccines. This bill incorporates agency technical assistance.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 3742, as amended, to the full Committee by a voice vote.

XIV. H.R. 2347, THE “STRENGTHENING THE VACCINES FOR CHILDREN ACT OF 2021”

H.R. 2347, the “Strengthening the Vaccines for Children Act of 2021”, introduced by Reps. Schrier, Butterfield (D-NC), McKinley (R-WV), and Joyce, would enhance the Vaccines for Children Program, which provides ACIP-recommended vaccines to low-income children. These enhancements include extending eligibility to children enrolled in CHIP, making changes to ensure adequate payment for multi-component vaccines, and providing an eight-quarter federal medical assistance percentage (FMAP) increase for expenditures on vaccines for beneficiaries under age 19, among other programmatic changes. The bill would also require the CDC to publicly report information related to demographic data of those vaccinated under the program and require a GAO study on the analysis of the effects of the bill’s provisions on vaccination rates and provider participation.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 2347, as amended, to the full Committee by a voice vote.

XV. H.R. 3894, THE “COLLECTING AND ANALYZING RESOURCES INTEGRAL AND NECESSARY FOR GUIDANCE FOR SOCIAL DETERMINANTS ACT OF 2021” (THE “CARING FOR SOCIAL DETERMINANTS ACT OF 2021”)

H.R. 3894, the “CARING for Social Determinants Act of 2021”, introduced by Reps. Blunt Rochester and Bilirakis, requires the Secretary of HHS to provide guidance and technical assistance to states on how to address social determinants of health through Medicaid and the Children’s Health Insurance Program (CHIP). It requires that the guidance be updated every three years. This bill also incorporates agency technical assistance.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 3894, as amended, to the full Committee by a voice vote.

XVI. H.R. 4406, THE “SUPPORTING MEDICAID IN THE U.S. TERRITORIES ACT”

H.R. 4406, the “Supporting Medicaid in the U.S. Territories Act”, introduced by Reps. Soto (D-FL) and Bilirakis, and five original co-sponsors, would provide five years of enhanced Medicaid funding for Puerto Rico, and eight years of enhanced Medicaid funding for the U.S. Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and

Guam. It would extend the current enhanced FMAP for each of the territories for the length of the time of the increased funding. It would also make certain programmatic improvements to the Puerto Rico Medicaid program, including requiring increased provider payment rates, strengthening program integrity, and improving contracting practices.

On July 15, 2021, the Subcommittee on Health favorably forwarded H.R. 4406, without amendment, to the full Committee by a voice vote.

XVII. H.R. 2685, THE “UNDERSTANDING CYBERSECURITY OF MOBILE NETWORKS ACT”

H.R. 2685, the “Understanding Cybersecurity of Mobile Networks Act”, introduced by Reps. Eshoo and Kinzinger (R-IL), would require the National Telecommunications and Information Administration (NTIA) to examine and report on the cybersecurity of mobile service networks and the vulnerability of these networks and mobile devices to cyberattacks and surveillance conducted by adversaries. The report must include an assessment of the degree to which providers of mobile service have addressed certain cybersecurity vulnerabilities; a discussion of the degree to which these providers have implemented cybersecurity best practices and risk assessment frameworks; and an estimate of the prevalence and efficacy of encryption and authentication algorithms and techniques used in mobile service and communications equipment, mobile devices, and mobile operating systems and software, among other things.

An Amendment in the Nature of a Substitute (AINS) is expected to be offered to make technical changes to the bill.

XVIII. H.R. 3919, THE “SECURE EQUIPMENT ACT OF 2021”

H.R. 3919, the “Secure Equipment Act of 2021”, introduced by Reps. Scalise (R-LA) and Eshoo, would direct the Federal Communications Commission (FCC) to clarify that it will no longer review or approve applications from companies on the Commission’s “Covered List.” The bill would prevent further integration and sales of Huawei, ZTE, Hytera, Hikvision, and Dahua – all Chinese state-backed or directed firms – in the United States regardless of whether federal funds are involved.

An AINS is expected to be offered to clarify that the rules required by the legislation should not apply retroactively to equipment previously authorized by the FCC, and that the legislation does not prevent the FCC from studying whether, in a future proceeding, the rules should apply retroactively.

XIX. H.R. 4028, THE “INFORMATION AND COMMUNICATION TECHNOLOGY STRATEGY ACT”

H.R. 4028, the Information and Communication Technology Strategy Act”, introduced by Reps. Long (R-MO), Spanberger (D-VA), Carter (R-GA), and McNerney (D-CA), would direct the Secretary of Commerce to submit to Congress within one year a report analyzing the state of economic competitiveness of trusted vendors in the information and communication technology supply chain, identifying which components or technologies are critical or

vulnerable, and identifying which components or technologies on which U.S. networks depend. It would also require the Secretary to submit to Congress, within six months after the report is submitted, a whole-of-government strategy to ensure the competitiveness of trusted vendors in the United States.

An AINS is expected to be offered to make technical changes to the bill.

XX. H.R. 4032, THE “OPEN RAN OUTREACH ACT”

H.R. 4032, the “Open RAN Outreach Act”, introduced by Reps. Allred (D-TX), O’Halloran (D-AZ), Guthrie, and Hudson, directs the NTIA Administrator to provide outreach and technical assistance to small communications network providers regarding Open Radio Access Networks (Open-RAN).

An AINS is expected to be offered to clarify that the outreach and technical assistance should address the uses, benefits, and shortcoming of Open RAN; that the technical assistance may be related to participation in the grant program authorized in the FY 2021 National Defense Authorization Act; and that NTIA may use such grant funds to carry out the legislation.

XXI. H.R. 4045, THE “FUTURE USES OF TECHNOLOGY UPHOLDING RELIABLE AND ENHANCED NETWORKS ACT” (THE “FUTURE NETWORKS” ACT)

H.R. 4045, the “FUTURE Networks Act”, introduced by Reps. Doyle (D-PA), Johnson (R-OH), and McBath (D-GA), would require the FCC to create a 6G (sixth-generation) Task Force. The bill stipulates that the membership of the Task Force shall be appointed by the FCC Chair, and that the Task Force membership be composed, if possible, of representatives from trusted companies (meaning those not controlled by foreign adversaries), trusted public interest groups, and trusted government representatives with at least one representative from federal, state, local, and tribal governments. The Task Force would have to submit a report to Congress on 6G wireless technology, including the possible uses, strengths, and limitations of 6G, (including any supply chain, cybersecurity, or other limitations that will need to be addressed in future generations of wireless technologies.

An AINS is expected to be offered to make technical changes to the bill.

XXII. H.R. 4046, THE “NTIA POLICY AND CYBERSECURITY COORDINATION ACT”

H.R. 4046, the “NTIA Policy and Cybersecurity Coordination Act”, introduced by Reps. Duncan (R-SC), Wild (D-PA) and Curtis, would authorize the existing NTIA Office of Policy Analysis and Development and rename it the Office of Policy Development and Cybersecurity. In addition to codifying the responsibilities of NTIA in administering the information sharing program in Section 8 of the Secure and Trusted Communications Act, the Office would be assigned functions to coordinate and develop policy regarding the cybersecurity of communications networks.

An AINS is expected to be offered to make technical changes to the bill.

XXIII. H.R. 4055, THE “AMERICAN CYBERSECURITY LITERACY ACT”

H.R. 4055, the “American Cybersecurity Literacy Act”, introduced by Reps. Kinzinger, Eshoo, Veasey (D-TX), Houlahan (D-PA), and Bilirakis, would require NTIA to develop and conduct a cybersecurity literacy campaign to educate U.S. individuals and businesses about common cybersecurity risks and best practices.

An AINS is expected to be offered to make technical changes to the bill.

XXIV. H.R. 4067, THE “COMMUNICATIONS SECURITY ADVISORY ACT OF 2021”

H.R. 4067, the “Communications Security Advisory Act of 2021”, introduced by Reps. Slotkin (D-MI), Schrader (D-OR) and Walberg (R-MI), would codify an existing FCC advisory council, the Communications Security, Reliability, and Interoperability Council, focused on network security, resiliency, and interoperability. It also requires biennial reporting to the FCC, Congress, and public with recommendations to improve communications networks on such issues.

An AINS is expected to be offered to make technical changes to the bill.