

be considered in determining whether a communication is false or misleading communication, as defined in such paragraph (h), including—

(A) the various types of statements or omission of facts regarding a prescription drug that would constitute false or misleading, such as statements or omissions related to safety, efficacy, approved or unapproved uses, directions for use from the label approved by the Food and Drug Administration, scientific information, or other similar attributes;

(B) whether the inclusion of the information in brief summary described in paragraph (h)(2)(A)(i)(III) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by paragraph (1), alone is sufficient in each circumstance to avoid such a determination;

(C) actions taken by the social media influencer, health care provider, or other person to demonstrate compliance with such paragraph (h); and

(D) characteristics specific to various social media platforms, and the speed of dissemination of the content on such platform.

(3) ADDITIONAL REQUIREMENTS FOR TELEHEALTH PROVIDERS.—

(A) IN GENERAL.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by adding at the end the following: “For purposes of this paragraph, ‘manufacturer, packer, or distributor’ includes a person who issues or causes to be issued an advertisement or other descriptive printed matter with respect to a specific drug subject to section 503(b)(1) or compounded in accordance with section 503A or 503B, and who directly or indirectly offers to bring together a potential patient and a prescriber or dispenser through use of electronic information and telecommunication technologies to engage in prescribing or dispensing of any drug subject to section 503(b)(1). Nothing in this paragraph shall apply to a private communication between a practitioner licensed by law to prescribe or dispense a prescription drug (or an individual under the direct supervision of such a practitioner) and an individual patient or their representative.”.

(B) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update the regulations promulgated to carry out section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) in accordance with the amendments made by subparagraph (A).

(4) RULE OF CONSTRUCTION.—Nothing in this subsection, including the amendments made by this subsection, precludes a drug manufacturer from taking any corrective action to mitigate the potential for patient harm from false or misleading communications described in paragraph (h)(2)(A) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353), as added by paragraph (1).

(5) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (3) shall take effect 180 days after the date on which the regulations described in paragraph (3)(B) are finalized.

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Any payment described in paragraph (2) with respect to the promotion of, or communications regarding, a covered drug shall be treated as a payment from an applicable manufacturer to a covered recipient for purposes of section 1128G of the Social Security Act (42 U.S.C. 1320a-7h), and shall be reported to the Secretary of Health and Human Services by the drug manufacturer or health care provider making the payment and made publicly available by the Secretary in accordance with such section 1128G.

(2) PAYMENTS DESCRIBED.—A payment described in this paragraph is—

(A) a payment by a drug manufacturer to a health care provider, including a telehealth company or other similar entity, or social media influencer; or

(B) a payment by a health care provider, including a telehealth provider or other similar entity, to a social media influencer.

(3) DEFINITIONS.—In this subsection—

(A) the terms “applicable manufacturer” and “covered recipient” have the meanings given such terms in section 1128G(e) of the Social Security Act (42 U.S.C. 1320a-7h); and

(B) the term “covered drug” means any drug, including a biological product (as defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i))), for which payment is available under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or a State plan under title XIX or XXI of such Act (42 U.S.C. 1396 et seq.; 42 U.S.C. 1397aa et seq.) (or a waiver of such a plan).

(c) MARKET SURVEILLANCE OF PRESCRIPTION DRUG ADVERTISING OR PROMOTION.—

(1) IN GENERAL.—The Secretary may conduct market surveillance activities regarding any promotion of prescription drugs on social media platforms. The activities under this section may include—

(A) activities, carried out directly or by contract, relating to—

(i) aggregating and analysis of public communications (which may involve the use of artificial intelligence applications), including to establish any relationship between a manufacturer of a prescription drug and individuals engaging in communications about such drug;

(ii) analytical tools to review submissions of promotional communications;

(iii) engagement with representatives of social media platforms on strategies and opportunities to address false or misleading promotion of prescription drugs, including through methods of technology or functionality to identify and assess false or misleading communications; and

(iv) developing and disseminating public facing communications and educational materials and programs for prescription drug manufacturers, social media platforms, and the public, which may include communications and educational materials and programs regarding the Bad Ad program of the Food and Drug Administration;

(B) hiring additional staff for the Office of Prescription Drug Promotion of the Center for Drug Evaluation and Research and the Advertising and Promotional Labeling Branch of the Center for Biologics Evaluation and Research for the review of advertising or promotion of prescription drugs on digital platforms, such as social media, and such other purposes as the Secretary determines appropriate; and

(C) establishing a task force, jointly with the Federal Trade Commission, to coordinate and enhance communication between the Federal Trade Commission and the Food and Drug Administration related to monitoring of, and compliance activities relating to, prescription drug advertising or promotion.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to affect the authority of the Secretary to carry out activities described in such paragraph pursuant to other provisions of law.

(3) FDA NOTICE TO MANUFACTURERS.—The Secretary may establish a process for providing information to the holder of an approved application of a prescription drug under section 505 of this Act or section 351 of the Public Health Service Act for the purpose of notifying such holder of instances of communications by health care providers or social media influencers that fail to include

information in brief summary relating to side effects, contraindications, and effectiveness of the drug in the same manner and to the same extent as such information is required in prescription drug advertisements pursuant to section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)).

(4) REPORTING.—The Secretary shall—

(A) not later than 2 years after the date of enactment of this Act, submit to Congress a report on the activities carried out under this subsection;

(B) not later than 4 years after the date of enactment of this Act, submit to Congress, and make publicly available, a report on the activities carried out under this subsection; and

(C) make publicly available on the website of the Food and Drug Administration notice of all enforcement actions taken under paragraph (h) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by subsection (a).

(5) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated \$15,000,000 for each of fiscal years 2025 through 2029.

(d) SOCIAL MEDIA INFLUENCER.—In this section, the term “social media influencer” has the meaning given such term in paragraph (h) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by subsection (a).

(e) SEVERABILITY.—If any provision of this Act or of any amendment made by this Act, or the application of such provision or amendment to any person or circumstance, is held to be invalid, the remainder of the provisions of this Act and of the amendments made by this Act and the remainder of the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and the application of any such provision or amendment to other persons not similarly situated or to other circumstances, shall not be affected.

By Mr. BARRASSO (for himself,
Mrs. CAPITO, Mr. HOEVEN, Mr.
JUSTICE, Mr. LEE, Ms. LUMMIS,
Mr. WICKER, and Mr. HAGERTY):

S. 680. A bill to prohibit funding for the Montreal Protocol on Substances that Deplete the Ozone Layer and the United Nations Framework Convention on Climate Change until China is no longer defined as a developing country; to the Committee on Foreign Relations.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ending China’s Unfair Advantage Act of 2025”.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) MONTREAL PROTOCOL.—The term “Montreal Protocol” means the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal September 16, 1987.

(3) UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE.—The term “United Nations Framework Convention on Climate Change” means the United Nations Framework Convention on Climate Change, adopted in Rio de Janeiro, Brazil in June 1992.

SEC. 3. PROHIBITION ON USE OF FUNDS FOR THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER UNTIL CHINA IS NO LONGER DEFINED AS A DEVELOPING COUNTRY.

Notwithstanding any other provision of law, no Federal funds may be obligated or expended to implement the Montreal Protocol, including its protocols and amendments, or any fund established under the Protocol, until the President certifies to the appropriate congressional committees that the Parties to the Montreal Protocol have amended their Decision 1/12E, “Clarification of terms and definitions: developing countries,” made at the First Meeting of the Parties to remove the People’s Republic of China.

SEC. 4. PROHIBITION ON USE OF FUNDS FOR THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE UNTIL CHINA IS INCLUDED AMONG THE COUNTRIES LISTED IN ANNEX I OF THE CONVENTION.

Notwithstanding any other provision of law, no Federal funds may be obligated or expended to fund the operations and meetings of the United Nations Framework Convention on Climate Change, including its protocols or agreements, or any fund established under the Convention or its agreements, until the President certifies to the appropriate congressional committees that the Parties to the Framework Convention have included the People’s Republic of China in Annex I of the Convention.

By Mr. BARRASSO (for himself and Ms. LUMMIS):

S. 681. A bill to redesignate land within certain wilderness study areas in the State of Wyoming, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wyoming Public Lands Initiative Act of 2025”.

SEC. 2. DEFINITIONS.

In this Act:

(1) BUREAU.—The term “Bureau” means the Bureau of Land Management.

(2) RANGE IMPROVEMENT.—The term “range improvement” has the meaning given the term in section 3 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1902).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Wyoming.

(5) WILDERNESS AREA.—The term “wilderness area” means a wilderness area designated by section 3.

SEC. 3. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the

State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) ENCAMPMENT RIVER CANYON WILDERNESS.—

(A) IN GENERAL.—Certain Federal land administered by the Bureau in the State, comprising approximately 4,523.84 acres, as generally depicted on the map entitled “Proposed Encampment River Wilderness” and dated December 5, 2023, which shall be known as the “Encampment River Canyon Wilderness”.

(B) EXCLUDED LAND.—The following land is not included in the Encampment River Canyon Wilderness:

(i) Any land in the NW¼NW¼NW¼ sec. 24, T. 14 N., R. 84 W.

(ii) Any land within 100 feet of the centerline of—

(I) County Road 353; or

(II) Water Valley Road.

(2) PROSPECT MOUNTAIN WILDERNESS.—

(A) IN GENERAL.—Certain Federal land administered by the Bureau in the State, comprising approximately 1,099.76 acres, as generally depicted on the map entitled “Proposed Prospect Mountain Wilderness” and dated December 8, 2023, which shall be known as the “Prospect Mountain Wilderness”.

(B) EXCLUDED LAND.—Any land within 100 feet of the centerline of Prospect Road is not included in the Prospect Mountain Wilderness.

(3) UPPER SWEETWATER CANYON WILDERNESS.—

(A) IN GENERAL.—Certain Federal land administered by the Bureau in the State, comprising approximately 2,877.35 acres, as generally depicted on the map entitled “Proposed Upper Sweetwater Canyon Wilderness” and dated December 6, 2023, which shall be known as the “Upper Sweetwater Canyon Wilderness”.

(B) BOUNDARY.—

(i) IN GENERAL.—Except as provided in clause (ii), the boundary of the Upper Sweetwater Canyon Wilderness shall conform to the boundary of the Sweetwater Canyon Wilderness Study Area.

(ii) EASTERN BOUNDARY.—The eastern boundary of the Upper Sweetwater Canyon Wilderness shall be 100 feet from the western edge of the north-south road bisecting the Upper Sweetwater Canyon Wilderness and the Lower Sweetwater Canyon Wilderness, known as “Strawberry Creek Road”.

(iii) EXCLUSION OF EXISTING ROADS.—Any established legal route with authorized motorized use in existence on the date of enactment of this Act that enters the Upper Sweetwater Canyon Wilderness in T. 28 N., R. 98 W., sec. 4, or the Lower Sweetwater Canyon Wilderness in T. 29 N., R. 97 W., sec. 33, is not included in the Upper Sweetwater Canyon Wilderness.

(4) LOWER SWEETWATER CANYON WILDERNESS.—

(A) IN GENERAL.—Certain Federal land administered by the Bureau in the State, comprising approximately 5,665.19 acres, as generally depicted on the map entitled “Lower Sweetwater Canyon Wilderness” and dated December 5, 2023, which shall be known as the “Lower Sweetwater Canyon Wilderness”.

(B) BOUNDARY.—

(i) IN GENERAL.—Except as provided in clause (ii), the boundary of the Lower Sweetwater Canyon Wilderness shall conform to the boundary of the Sweetwater Canyon Wilderness Study Area.

(ii) WESTERN BOUNDARY.—The western boundary of the Lower Sweetwater Canyon Wilderness shall be 100 feet from the eastern edge of the north-south road bisecting the Upper Sweetwater Canyon Wilderness and the Lower Sweetwater Canyon Wilderness, known as “Strawberry Creek Road”.

(iii) EXCLUSION OF EXISTING ROADS.—Any established legal route with authorized motorized use in existence on the date of enactment of this Act that enters the Upper Sweetwater Canyon Wilderness in T. 29 N., R. 98 W., sec. 4, or the Lower Sweetwater Canyon Wilderness in T. 29 N., R. 97 W., sec. 33, is not included in the Lower Sweetwater Canyon Wilderness.

(5) BOBCAT DRAW WILDERNESS.—Certain Federal land administered by the Bureau in the State, comprising approximately 6,246.84 acres, as generally depicted on the map entitled “Proposed Bobcat Draw Wilderness” and dated December 8, 2023, which shall be known as the “Bobcat Draw Wilderness”.

SEC. 4. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, the Secretary shall administer the wilderness areas in accordance with this section and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may carry out any activities in a wilderness area as are necessary for the control of fire, insects, or disease in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)).

(2) COORDINATION.—In carrying out paragraph (1), the Secretary shall coordinate with—

(A) the Wyoming Forestry Division; and

(B) the applicable county in the State in which the wilderness area is located.

(3) FIRE MANAGEMENT PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a fire management plan for the wilderness areas—

(A) to ensure the timely and efficient control of fires, diseases, and insects in the wilderness areas, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) to provide, to the maximum extent practicable, adequate protection from forest fires, disease outbreaks, and insect infestations to any Federal, State, or private land adjacent to the wilderness areas.

(c) GRAZING.—The grazing of livestock in a wilderness area, if established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of House Report 101-405, accompanying H.R. 2570 of the 101st Congress, for land under the jurisdiction of the Secretary of the Interior.

(d) BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this section establishes a protective perimeter or buffer zone around a wilderness area.

(2) OUTSIDE ACTIVITIES OR USES.—The fact that a nonwilderness activity or use can be seen or heard from within a wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

SEC. 5. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area by section 3 has been adequately studied for wilderness designation.

(b) DESCRIPTION OF LAND.—The wilderness study areas referred to in subsections (a) and (c) are the following: