furnished on or after January 1, 2028, the Secretary shall establish two or more HCPCS codes, as determined appropriate by the Secretary, for the base of such a wheelchair depending on the construction material used in such base (with 1 or more such codes for such a base with titanium or carbon fiber construction material and 1 or more such codes for such a base without such materials).

''(B) PAYMENT AND BENEFICIARY PROTECTIONS.—

''(i) PAYMENT.—On or after January 1, 2028, in the case where an individual purchases or rents from a supplier an ultralightweight manual wheelchair that has titanium or carbon fiber construction material used in the base of such wheelchair, payment to the supplier shall be made in the frequency and amount as would otherwise be made under this subsection (as described in paragraph (1)(A)) for such wheelchair.

''(ii) BENEFICIARY CHARGES.—The supplier may charge the individual the difference between the supplier's actual charge for such wheelchair and the payment amount described in clause (i) for such wheelchair.

''(iii) BENEFICIARY PROTECTIONS.—In order to inform an individual of the individual's potential financial liability under clause (ii), the Secretary may require a supplier to issue a notice to the individual (in a form and manner determined by the Secretary) prior to the purchase or rental of such ultralightweight manual wheelchair by such individual.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. GUTHRIE) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and include extraneous material on H.R. 1703.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GUTHRIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. JOYCE), my good friend, the sponsor of this legislation, a valuable member of the Energy and Commerce Committee, and head of the Subcommittee on Oversight and Investigations.

Mr. JOYCE of Pennsylvania. Mr. Speaker, I rise today in support of my legislation, H.R. 1703, the Choices for Increased Mobility Act.

This important piece of legislation clarifies the payment rules for manual wheelchairs under Medicare part B.

The bill allows Medicare patients the choice to decide whether a titanium or a carbon-fiber wheelchair is right for them, giving patients the option to pay out of pocket for wheelchair upgrades if that is their choice.

To restore this choice for Medicare patients, this bill creates two new wheelchair codes and enables upgrades within existing codes. Importantly, this will remove barriers to patients, allowing the patient to access the upgraded benefit at no additional cost to CMS.

We must remove obstacles that prevent patients from taking full advantage of their Medicare benefits and give them the freedom to choose the equipment that is right for the patient, a decision that has profound impacts on their individual lives.

This bipartisan legislation will remove the barrier that has impeded access to lightweight wheelchair options for individuals with mobility impairments since 2016.

Mr. Speaker, I am proud to see this important bill come to the House floor today, and I urge my colleagues to support it.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak on H.R. 1703, the Choices for Increased Mobility Act.

Mr. Speaker, this bill will clarify Medicare payment rules for ultra lightweight manual wheelchairs and allow Medicare beneficiaries to upgrade to wheelchairs with titanium or carbon fiber materials at their own cost.

The bill would give beneficiaries the choice to select a wide range of wheelchairs. Under the bill, seniors would have the choice to acquire a wheelchair with titanium or carbon fiber materials through the Medicare program with additional out-of-pocket costs. I am glad that the bill would require suppliers to notify beneficiaries of the additional financial liability.

Mr. Speaker, while I support this bill, I am concerned that the bill only helps higher income seniors who can afford to pay out of pocket for these additional upgrades beyond what is covered under the Medicare program. The universality of the Medicare program and the fact that all beneficiaries have access to the same benefits is an important principle in my opinion.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1703, led by my good friend who previously spoke, the gentleman from Pennsylvania (Mr. JOYCE).

Medicare beneficiaries should not be limited in their ability to access the right wheelchair to help them move freely in their daily lives. Ultimately, the payment clarifications in this legislation are intended to improve access to wheelchair upgrades among Medicare beneficiaries who choose to do so.

I encourage my colleagues to support this bill.

Mr. Speaker, I have no further speakers on this bill, and I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I encourage my colleagues to support this bipartisan bill, and I yield back the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself the balance of my time.

This is a bipartisan bill. It is something we all support, and I thank my colleagues for supporting it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. GUTHRIE) that the House suspend the rules and pass the bill, H.R. 1703, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DESTRUCTION OF HAZARDOUS IMPORTS ACT

Mr. GUTHRIE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2715) to amend the Federal Food, Drug, and Cosmetic Act to extend the destruction authority of the Secretary of Health and Human Services to articles that present a significant public health concern, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2715

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 ''Destruction of Hazardous Imports Act''.

SEC. 2. DESTRUCTION OF CERTAIN REFUSED ARTICLES.

(a) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end the following:

''(v) DESTRUCTION OF REFUSED ARTICLES PRESENTING SIGNIFICANT PUBLIC HEALTH CONCERNS.—

''(1) IN GENERAL.—If the Secretary of Health and Human Services finds that an article that has been refused admission under subsection (a) presents a significant public health concern, the Secretary may issue to the owner or consignee of the article an order to destroy the article, without the opportunity for export.

''(2) DEADLINE; COSTS.—Not later than 90 days after the issuance of an order under paragraph (1), the owner or consignee of the article shall destroy the article. The owner or consignee shall be responsible for the costs of such destruction.

''(3) DUE PROCESS.—The Secretary of Health and Human Services shall provide to the owner or consignee of an article subject to an order under paragraph (1) appropriate due process prior to the destruction of the article. Such due process shall be specified in regulations and include notice and an opportunity to appear before the Secretary and introduce testimony on the destruction—

''(A) in combination with the notice and opportunity to appear and introduce testimony on the refusal of admission of the article under subsection (a); or

''(B) separately.''.

(b) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(jjj) The unauthorized movement, or introduction or delivery for introduction into interstate commerce, including export, of an article that is subject to an order for destruction under section 801(v).''.

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply to articles beginning on the date that is 30 days after the date on which the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, promulgates final regulations under subsection (d).

(d) REGULATIONS.—

(1) PROPOSED.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue proposed regulations to implement the amendment made by subsection (a), allowing for notice and comment on such proposed regulations.

(2) FINAL.—Not later than 1 year after the issuance of the proposed regulations under paragraph (1), the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall promulgate final regulations to implement the amendment made by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. GUTHRIE) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and include extraneous material on H.R. 2715.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GUTHRIE. Mr. Speaker, it looks like we have two friends from Louisiana supporting this and who sponsored this bill today, Mr. HIGGINS and Mr. CARTER.

Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. HIGGINS).

Mr. HIGGINS of Louisiana. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 2715, the Destruction of Hazardous Imports Act.

Mr. Speaker, H.R. 2715 ensures that contaminated imports, ranging from radioactive seafood to illegal Chinese vapes, do not reach American consumers and cause harm.

Initially, this legislation began as an effort to target toxin-laced foreign seafood. However, my colleague, the gentleman from Louisiana (Mr. CARTER), and I quickly learned that the Department of Health and Human Services cannot destroy other articles, including food, devices, and specific drugs, even though they may pose serious health risks.

Without the authority granted within H.R. 2715, dangerous and poisonous imports can find their way to American markets. This legislation grants the Food and Drug Administration additional authority to destroy any articles that fail initial inspection, preventing foreign importers from port-shopping or rebranding their products.

This legislation introduces strict penalties for the reintroduction of destroyed items into interstate commerce, ensuring that harmful imported goods are permanently barred from entering our markets. Bad actors attempting to undermine these enforcement measures will face accountability.

Strengthening this legislative framework will protect public safety and reinforce our commitment to stringent oversight of imported goods to mirror the American safety standards that American producers must live with.

In January, the FDA released its legislative proposals for fiscal year 2026. This included a request for the authority to require importers to destroy any FDA-related product that is refused entry into the United States and that presents a significant public health concern.

H.R. 2715 supports the administration and follows through by adding the FDA's existing authority to destroy imported medical devices and medications with any article that poses a health risk to the public.

As we work to improve our Nation's health and reverse the lingering effects of unfair trade policies, it is essential that the FDA has the authority to eliminate toxic foods and drugs from our country.

The Destruction of Hazardous Imports Act protects Americans' health and prioritizes our domestic industry. I urge full support and swift passage, Mr. Speaker.

□ 1440

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2715, the Destruction of Hazardous Imports Act, led by Representatives Carter and Higgins of Louisiana.

This bill would provide the Food and Drug Administration with the authority to require importers to destroy products that pose a significant public health concern, preventing them from being shipped to another port of entry.

These products have, in fact, included food contaminated with salmonella, listeria, and carcinogenic unapproved animal drugs, as well as misbranded medical devices. It also includes illegal e-cigarette products that are flooding the market from places like China.

These are dangerous products, Mr. Speaker. Providing the FDA with the authority to compel destruction and requiring the importer to pay for such destruction will provide a strong disincentive to those seeking to prioritize profits over product safety. We need to make sure Americans are not unwittingly exposed to harmful products, and this authority is going to prevent that.

Mr. Speaker, I encourage all my colleagues to vote ''yes'' on H.R. 2715, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I really appreciate my friends from Louisiana, both of them, for bringing this forward. This is important. Think about what we are talking about here. Contaminated seafood, illicit drugs, and all of these other things are getting stopped at a port of entry, but FDA has no authority to destroy them. As my friend from New Jersey said, they get returned and come in through another port.

As good as our people are at our ports of entry, if you keep sending the same thing through over and over, eventually it is going to get through. It makes no sense not to allow the FDA to destroy these products.

Mr. Speaker, I support this bill, and I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. CARTER), a member of our committee, my colleague, and the Democratic sponsor of this bill.

Mr. CARTER of Louisiana. Mr. Speaker, I rise today in support of H.R. 2715, the Destruction of Hazardous Imports Act, which I introduced with my Louisiana colleague Representative CLAY HIGGINS.

This bill will protect American consumers and create a level playing field for American businesses by authorizing the Food and Drug Administration to order the destruction of imported products found to pose a significant public health concern.

Under current law, foreign exporters can ship contaminated or counterfeit products to the U.S. knowing they can withdraw the shipment if FDA flags it. They can then try to enter through a different port where the shipment may not be caught, a practice known as port shopping. This loophole endangers our health and undermines our food and drug safety systems.

This bill authorizes the Food and Drug Administration to require an importer to destroy an FDA-regulated product that was refused entry into the U.S. because it poses a significant public health concern with the cost of the destruction at the importer's expense. This bill also prohibits the unauthorized movement of any article designated for destruction by the FDA.

Some imported foods, especially seafood, have been found to be contaminated with carcinogenic drugs, pesticides, and other harmful impurities.

Beyond food, there has been a rise in imports of dangerous vape devices and e-liquids containing banned substances and excessive nicotine, as well as counterfeit drugs like GLP–1s.

This threat is real and documented. Exporters, especially Chinese exporters, have been caught resubmitting rejected shipments at different ports. This bill closes that loophole and creates a deterrent for bad actors.

Congressman HIGGINS and I have worked hand in hand with our domestic fishing industry on this legislation, including the Southern Shrimp Alliance. American fishermen perform back-breaking work and operate under strict U.S. food safety, labor, and environmental rules that raise their costs significantly. Meanwhile, some foreign producers cut corners and still get multiple chances to dump noncompliant and often dangerous products into the American marketplace.

Seafood imports continue to pour into the United States, increasing in

volume each year, undercutting domestic fishermen. Last year, the U.S. imported 6.4 billion pounds of foreign seafood, a 10 percent increase from 2019.

As imports have increased, American commercial seafood landings have declined. In 2024, the U.S. commercial landings totaled 7.7 billion pounds, the first time landings have been below 8 billion pounds since 1988.

Louisiana's commercial fishing industry has particularly been hit hard by this flood of foreign imports. Since 2021, Louisiana shrimpers have seen the value of their catch drop by more than 50 percent, falling from $131 million in 2021 to just $61 million in 2024. As you can see, this is, in fact, a real threat.

Passing this bill will deter bad actors from flooding the market with unsafe products and provide American fishermen with a fair playing field, allowing them to sustainably harvest millions of additional pounds of shrimp and other seafood each year.

This is a real issue, and I am proud to be working in a bipartisan way to address an issue that will impact not just Louisiana but our entire country.

Mr. Speaker, I urge the passage of this critical legislation.

Mr. PALLONE. Mr. Speaker, I urge support for this bipartisan bill, and I yield back the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I encourage my colleagues to vote for this bipartisan bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. GUTHRIE) that the House suspend the rules and pass the bill, H.R. 2715, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FDA MODERNIZATION ACT 3.0

Mr. GUTHRIE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2821) to require the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to publish a final rule relating to nonclinical testing methods.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2821

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 ''FDA Modernization Act 3.0''.

SEC. 2. REGULATIONS ON NONCLINICAL TESTING METHODS.

(a) INTERIM FINAL RULE.—

(1) IN GENERAL.—In order to ensure implementation of the amendments to section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) made by section 3209(a) of the Consolidated Appropriations Act, 2023 (Public Law 117–328; 136 Stat. 5821), not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall publish an interim final rule—

(A) to amend the sections of title 21, Code of Federal Regulations, described in paragraph (2) to replace any references to ''animal'' tests, data, studies, models, and research with a reference to nonclinical tests, data, studies, models, and research; and

(B) to add the definition of ''nonclinical test'' in section 505(z) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(z)) to sections 312.3, 314.3, 315.2, and 601.31 of title 21, Code of Federal Regulations.

(2) CFR SECTIONS DESCRIBED.—The sections of title 21, Code of Federal Regulations, described in this paragraph are the following:

(A) Section 312.22(c).
(B) Section 312.23(a)(3)(iv).
(C) Section 312.23(a)(5)(ii).
(D) Section 312.23(a)(5)(iii).
(E) Section 312.23(a)(8).
(F) Section 312.23(a)(8)(i).
(G) Section 312.23(a)(8)(ii).
(H) Section 312.23(a)(10)(i).
(I) Section 312.23(a)(10)(ii).
(J) Section 312.33(b)(6).
(K) Section 312.82(a).
(L) Section 312.88.
(M) Section 314.50(d)(2).
(N) Section 314.50(d)(2)(iv).
(O) Section 314.50(d)(5)(i).
(P) Section 314.50(d)(5)(vi)(a).
(Q) Section 314.50(d)(5)(vi)(b).
(R) Section 314.93(e)(2).
(S) Section 315.6(d).
(T) Section 330.10(a)(2).
(U) Section 601.35(d).
(V) Any other section necessary to ensure regulatory consistency with the amendments to section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) made by section 3209(a) of the Consolidated Appropriations Act, 2023 (Public Law 117–328; 136 Stat. 5821).

(3) EFFECTIVENESS OF INTERIM FINAL RULE.—Notwithstanding subparagraph (B) of section 553(b) of title 5, United States Code, the interim final rule issued by the Secretary of Health and Human Services under paragraph (1) shall become immediately effective as an interim final rule without requiring the Secretary of Health and Human Services to demonstrate good cause therefor.

(b) TECHNICAL AMENDMENT.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by designating the second subsection (z) (relating to clinical trial diversity action plans), as added by section 3601(a) of the Health Extenders, Improving Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022 (division FF of Public Law 117–328), as subsection (aa).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. GUTHRIE) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 2821, led by my colleagues Representative CARTER of Georgia and Representative BARRAGÁN, which requires the Secretary of HHS to publish rules amending certain regulations by replacing references to ''animal'' tests, data, studies, models, and research with the broader term ''nonclinical'' tests, data, studies, models, and research.

Biomedical research typically utilizes animal models to explore biological processes, analyze diseases, and explore potential therapies. However, given the concerns and scientific limitations of animal testing, researchers have increasingly turned to new approach methodologies to evaluate drugs when scientifically justified.

The scientific community has worked diligently to balance animal welfare concerns and the value of animal tests and research. I am pleased with the progress to date and look forward to seeing continued evidence-driven advancements in this space.

I commend the administration for their work to phase out animal testing where it is scientifically appropriate and for achieving the key goals in the first year of implementing the roadmap to reducing animal testing in preclinical safety studies.

Mr. Speaker, I appreciate my colleague from Georgia for putting this bill forward, and I reserve the balance of my time.

□ 1450

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2821, the FDA Modernization Act 3.0, led by Representative BARRAGÁN and Representative CARTER of Georgia.

The FDA Modernization Act 3.0 would require the Food and Drug Administration to update regulations to replace references to animal tests, data, studies, models, and research in specified sections of Title 21 of the Code of Federal Regulations with references to nonclinical tests.

This would bring FDA's regulations in line with a law passed in 2022 that allowed for alternatives to animal testing in drug development, including those that leverage recent scientific advancements, such as computer modeling and cell-based assays.

I encourage all my colleagues to vote ''yes'' on H.R. 2821, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. CARTER), a dear friend, a great member of the Energy and Commerce Committee, and a leader in this effort with the FDA. With pharmaceuticals, just about anything that is very important to the American people, he is an absolute leader in that.

Mr. CARTER of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of my bill, H.R. 2821, the FDA