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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Public Health Service Act to protect the integrity of the United States Preventive Services Task Force, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. DEXTER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Public Health Service Act to protect the integrity of the United States Preventive Services Task Force, and for other purposes.

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 ''Protect U.S. Preventive Services Task Force Integrity Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the United States Preventive Services Task Force (referred to in this section as the ''Task Force'');

(2) to ensure that the voluntary, non-Federal experts in disease prevention and evidence-based medicine of the Task Force continue to operate in accordance with the Appointments Clause of section 2 of article II of the Constitution of the United States and the determinations of the Supreme Court of the United States under Kennedy v. Braidwood Management, Inc. (606 U.S. 748 (2025)) (referred to in this section as the ''Braidwood decision'');

(3) to confirm, in line with the Braidwood decision, that the Secretary's authority over Task Force decisions and recommendations includes the ability to review and block new or updated Task Force recommendations before such recommendations can take effect;

(4) to confirm, in line with the Braidwood decision, that the Secretary cannot directly order the Task Force to formulate an ''A'' or ''B'' recommendation or directly order the Task Force to change, eliminate, revise, or downgrade a recommendation;

(5) to ensure that, as authorized under the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119), patients are able to access, without deductible or copay, evidence-based preventive services that are recommended by the Task Force with a grade of ''A'' or ''B''; and

(6) to ensure the transparency, scientific rigor, and evidence-based actions of Task Force processes.

SEC. 3. UNITED STATES PREVENTIVE SERVICES TASK FORCE.

(a) IN GENERAL.—Section 915(a) of the Public Health Service Act (42 U.S.C. 299b–4(a)) is amended—

(1) by redesignating paragraph (7) as paragraph (11); and

(2) by inserting after paragraph (6) the following:

''(7) PROHIBITION.—The Task Force may not change, eliminate, revise, or downgrade a recommendation described in section 2713(a)(1) on the basis that such recommendation no longer effectuates the priorities of the Department.

''(8) MEMBERSHIP.—

''(A) IN GENERAL.—The Task Force shall be composed of 16 members, to be appointed by the Secretary.

''(B) TERMS.—The members of the Task Force shall serve staggered terms of 4 years such that the terms of ¼ of the members shall expire in December of each year.

''(C) MEMBERSHIP QUALIFICATIONS.—

''(i) IN GENERAL.—The members of the Task Force shall be appointed from among individuals with the demonstrated knowledge, expertise, and national leadership in 1 or more of the following areas:

''(I) Clinical prevention, health promotion, preventive medicine, and primary health care.

''(II) Implementation of evidence-based recommendations in clinical practice, including at the clinician-patient level, practice level, and health system level.

''(ii) ADDITIONAL QUALIFICATIONS.—The membership of the Task Force may include individuals with the demonstrated knowledge, expertise, and national leadership in 1 or more of the following areas:

''(I) The critical evaluation of research published in peer-reviewed lit-

erature and in the methods of evidence review.

''(II) For members without primary health care clinical experience, experience in methodological issues, such as meta-analysis, analytic modeling, or clinical epidemiology.

''(iii) WAIVER OF FINANCIAL INTEREST PROHIBITION.—

''(I) IN GENERAL.—The Secretary may only waive the application of section 208(a) of title 18, United States Code, with respect to an individual to be appointed to serve as a member of the Task Force if the Secretary, after approval from the Office of Government Ethics, issues a waiver in accordance with subclause (II).

''(II) WAIVER DESCRIBED.—The Secretary may only grant a waiver described in subclause (I) with respect to an individual to be appointed to serve as a member of the Task Force if—

''(aa) after a documented search, there is no other individual reasonably available to serve on the Task Force who has comparable expertise and who does not have a comparable financial interest;

''(bb) the waiver—

''(AA) describes each particular matter in which the individual has a financial interest that would otherwise make participation in the particular matter prohibited under section 208 of title 18, United States Code, and for which the individual is required to recuse themself in accordance with subclause (IV); and

''(BB) states the dollar value of each such financial interest; and

''(cc) issuance of the waiver is conditioned on—

''(AA) the individual complying with a process under which the individual would be unable to effectuate or receive financial benefits from continued ownership of the relevant financial interests; and

''(BB) the individual recusing themself as applicable, in accordance with subclause (IV).

''(III) PUBLICATION.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make publicly available, the complete, written waiver.

''(IV) RECUSAL.—An individual who is appointed as member of the Task Force pursuant to a waiver issued under this clause shall, in participating in the activities of the Task

Force, recuse themself from participating in a particular matter (including evaluating or participating in the review process for a service or voting on a recommendation) in which the individual has a financial interest that would otherwise make such participation prohibited under section 208 of title 18, United States Code.

''(D) GAO RECOMMENDATIONS.—In nominating individuals for appointment to the Task Force, the Secretary shall consider individuals recommended by the Comptroller General of the United States. The Comptroller General of the United States shall review Task Force member applications and, after taking into consideration the criteria described in subparagraph (C), submit to the Secretary and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives recommendations for individuals to be nominated for appointment to the Task Force.

''(E) VACANCIES; OPEN NOMINATION PROCESS.—

''(i) IN GENERAL.—In the case of a vacancy in the membership of the Task Force on the expiration of a term in December of a calendar year, as described in subparagraph (B), the Secretary shall publish in the Federal Register, not later than January 3 of such calendar year, a solicitation for nominations of individuals for appointment to fill such vacancy.

''(ii) UNEXPIRED TERMS.—

''(I) IN GENERAL.—In the case of a vacancy in the membership of the Task Force that occurs before a term expires, the Secretary shall publish in the Federal Register, not later than 15 days after such vacancy occurs, a solicitation for nominations of individuals for appointment to fill such vacancy.

''(II) TERM.—A member appointed to the Task Force to fill a vacancy for an unexpired term shall be appointed for the remainder of that term.

''(9) MEETINGS.—The Task Force shall meet not less frequently than 3 times per year for formal votes to consider, reconsider, or move forward recommendations and material developments of the Task Force.

''(10) PROCEDURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the methods and procedures of the Task Force shall be governed by the procedure manual of the Task Force, as published in April 2023.

''(B) REVISIONS.—The methods and procedures of the Task Force may be revised only through a rulemaking under section 553 of title 5, United States Code.''.

(b) COVERAGE OF PREVENTIVE HEALTH SERVICES.—Section 2713 of the Public Health Service Act (42 U.S.C. 300gg–13) is amended—

(1) in subsection (b), by adding at the end the following:

''(3) PROTECTION OF IMPLEMENTATION OF RECOMMENDATIONS.—In establishing an interval under paragraph (1) with respect to a recommendation described in subsection (a)(1), the Secretary may not delay the plan year with respect to which

the requirement described in subsection (a) is effective with respect to the service described in such recommendation unless the delay is evidence-based and aligns with the processes, procedures, and standards of the procedure manual of the Task Force published April 2023.'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) ISSUANCE OF TASK FORCE RECOMMENDATIONS.—With respect to a recommendation of the Task Force described in subsection (a)(1) that is new or being updated, during the interval between the date on which the new or updated recommendation is issued and the plan year with respect to which the requirement described in subsection (a) is effective with respect to the service described in such recommendation, the Secretary may not change, eliminate, revise, or downgrade the previous recommendation of the Task Force unless such change, elimination, revision, or downgrade is evidence-based and aligns with the processes, procedures, and standards of the procedure manual of the Task Force published April 2023.''.