

Opening Statement by Rep. Gene Green
Full Committee Markup of Health, Consumer Protection and Telecom Bills
July 12, 2016

Thank you Mr. Chairman.

H.R. 921, the Sports Medicine Licensure Clarity Act will promote the safety of our athletes by ensuring that sports team physicians, athletic trainers, and other providers can treat their patients regardless of whether they are at home or away.

I am pleased to support this legislation.

H.R. 670, the Special Needs Trust Fairness Act will correct an error in the law that prevents capable individuals with disabilities from creating their own special needs trust.

People with disabilities often need help covering the high costs of long-term services and support.

Federal law allows individuals to use special needs trusts to retain some assets, for the purpose of supplementing expenses that are not covered by public assistance programs.

Unfortunately, an oversight in current law makes it incredibly difficult for individuals with disabilities to set up a special needs trust on their own.

This has the effect of deeming all individuals with disabilities incapable of handling their own affairs, which is blatantly false and discriminatory.

The Special Needs Trust Fairness Act would correct this injustice, and I support this legislation.

H.R. 3299, the Strengthening Public Health Emergency Response Act aims to improve biodefense capabilities within the Department of Health and Human Services.

I strongly support the intent of this legislation, and worked with my colleagues and stakeholders to improve and strengthen the bill.

This legislation draws on the recent Blue Ribbon Study Panel on Biodefense and makes targeted reforms to streamline existing programs, enhance coordination between agencies, and develop better data on our preparedness on the ground.

However, I have concerns that a provision of this legislation will create a misguided incentive for medical countermeasures (MCMs) development.

The amendment in the nature of a substitute will establish a new Priority Review Voucher (PRV) program that may do little to incentivize novel, needed treatments, strain valuable resources, and undermine the neglected tropical diseases (NTDs) and rare pediatric diseases PRV programs by diluting the market value of vouchers.

Creating a new PRV program without addressing loopholes that impede the NTD PRV program is a missed opportunity.

Further, the lack of data demonstrating that the two existing PRV programs are actually incentivizing new research and development of treatments as intended makes it seemingly unwise to create a new, permanent program for MCMs.

The development process, market forces, and role of government in the MCM space is distinct.

At the very least, Congress should reserve the ability to exercise oversight of a new program, rather than authorize it in perpetuity.

While I appreciate the intent of this provision, I continue to believe that the best way to incentivize MCM development is robust and stable funding, similar to the Project BioShield Special Reserve Fund (SRF) created in 2004.

H.R. 5104 the Better Online Ticket Sales Act of 2016 is led by Representative Marsha Blackburn. The bill is a good first step towards combating ticket scalpers who game the system creating an unfair and uncompetitive market for consumers. Giving the Federal Trade Commission enforcement power to prevent the use of software to circumvent security and access measures will benefit the consumer and I support this bipartisan effort to address the issue.

H.R. 5111 the Consumer Review Fairness Act of 2016 is led by Representative Leonard Lance. The bill would outlaw terms-of-service clauses that prohibit customers from leaving negative reviews or punishing them for such reviews. The bill would also retroactively nullify any such clauses that are existing at the time

of enactment as well. I'm happy to see that H.R. 5111 also gives State Attorney Generals and consumer-protection officials adequate enforcement powers to sue and go after companies that operate in an unscrupulous way when it comes to online reviews.

I cannot support H.R. 5510, Rep. Michael Burgess Federal Trade Commission Process and Transparency Reform Act. By setting a time limitation for consent orders and requiring an annual report on the status of all ongoing investigations to Congress, the FTC's enforcement authority would be greatly limited. Requiring an economic analysis of any regulatory action taken is just another backhanded way to try and limit the FTC from doing its job. Automatically terminating investigations that are deemed inactive after 6 months will further harm consumers as investigative information does not follow a strict timeline. It is for all these reasons that I strongly oppose the bill.

I support the bipartisan compromise for the Amateur Radio Parity Act. I am a cosponsor of H.R. 1301 and am happy to see Democrats, Republicans, and stakeholders were able to come together and agree on these important reforms for ham radio operators in Houston and Harris County and throughout the country.