

1 NEAL R. GROSS & CO., INC.

2 RPTS MILLER

3 HIF198000

4

5

6 MARKUP OF H.R. 3375, H.R. 2211, H.R. 3172,

7 H.R. 3170, H.R. 1618, H.R. 806, H.R. 2647,

8 H.R. 1315, H.R. 2665, H.R. 2044, H.R. 359,

9 H.R. 360, H.R. 362, H.R. 370, H.R. 2088,

10 H.R. 2041, H.R. 2119, H.R. 2781, H.R. 728,

11 H.R. 1058, H.R. 2507, H.R. 776, H.R. 2035,

12 H.R. 2296, AND H.R. 2328

13 WEDNESDAY, JULY 17, 2019

14 House of Representatives

15 Committee on Energy and Commerce

16 Washington, D.C.

17

18

19

20 The committee met, pursuant to call, at 9:38 a.m., in Room
21 2123 Rayburn House Office Building, Hon. Frank Pallone [chairman
22 of the committee] presiding.

23 Members present: Pallone, Rush, Eshoo, Engel, DeGette,
24 Doyle, Schakowsky, Butterfield, Matsui, Castor, Sarbanes,
25 McNerney, Welch, Lujan, Tonko, Clarke, Loeb sack, Schrader,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

26 Kennedy, Cardenas, Ruiz, Peters, Dingell, Veasey, Kuster, Kelly,
27 Barragan, McEachin, Blunt Rochester, Soto, O'Halleran, Walden,
28 Upton, Shimkus, Burgess, Scalise, Latta, Rodgers, Guthrie, Olson,
29 McKinley, Kinzinger, Griffith, Bilirakis, Johnson, Long,
30 Bucshon, Flores, Brooks, Mullin, Walberg, Carter, Duncan, and
31 Gianforte.

32 Staff present: Billy Benjamin, Systems Administrator;
33 Jacquelyn Bolen, Professional Staff; AJ Brown, Counsel; Jeff
34 Carroll, Staff Director; Alex Chasick, Counsel; Jacqueline Cohen,
35 Chief Environment Counsel; Sharon Davis, Chief Clerk; Jennifer
36 Epperson, FCC Detailee; Evan Gilbert, Press Assistant; Lisa
37 Goldman, Counsel; Waverly Gordon, Deputy Chief Counsel; Tiffany
38 Guarascio, Deputy Staff Director; Omar Guzman-Toro, Policy
39 Analyst; Alex Hoehn-Saric, Chief Counsel, C&T; Zach Kahan,
40 Outreach and Member Service Coordinator; Rick Kessler, Senior
41 Advisor and Staff Directory, Energy and Environment; Josh Krantz,
42 Policy Analyst; Una Lee, Senior Health Counsel; Jerry Leverich,
43 Counsel; Jourdan Lewis, Policy Analyst; Kevin McAloon,
44 Professional Staff Member; Dan Miller, Policy Analyst; Elysa
45 Montfort, Press Secretary; Meghan Mullon, Staff Assistant; Phil
46 Murphy, Policy Coordinator; Lisa Olson, FERC Detailee; Joe
47 Orlando, Staff Assistant; Alivia Roberts, Press Assistant; Tim
48 Robinson, Chief Counsel; Chloe Rodriguez, Policy Analyst; Ben
49 Rossen, FTC Detailee; Samantha Satchell, Professional Staff
50 Member; Andrew Souvall, Director of Communications, Outreach and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

51 Member Services; Benjamin Tabor, Staff Assistant; Sydney Terry,
52 Policy Coordinator; Rebecca Tomilchik, Staff Assistant;
53 Kimberlee Trzeciak, Senior Health Policy Advisor; Rick Van Buren,
54 Health Counsel; Tuley Wright, Energy and Environment Policy
55 Advisor; C.J. Young, Press Secretary; Mike Bloomquist, Minority
56 Staff Director; S.K. Bowen, Minority Press Assistant; Adam
57 Buckalew, Minority Director of Coalitions and Deputy Chief
58 Counsel, Health; Robin Colwell, Minority Chief Counsel, C&T;
59 Jordan Davis, Minority Senior Advisor; Michael Engel, Minority
60 Detailee, C&T; Margaret Tucker Fogarty, Minority Staff Assistant;
61 Melissa Froelich, Minority Chief Counsel, CPAC; Theresa Gambo,
62 Minority Human Resources/Office Administrator; Caleb Graff,
63 Minority Professional Staff Member, Health; Peter Kielty,
64 Minority General Counsel; Bijan Koochmaraie, Minority Counsel,
65 CPAC; Tim Kurth, Minority Deputy Chief Counsel, C&T; Mary Martin,
66 Minority Chief Counsel, Energy & Environment & Climate Change;
67 Brandon Mooney, Minority Deputy Chief Counsel, Energy; James
68 Paluskiewicz, Minority Chief Counsel, Health; Brannon Rains,
69 Minority Staff Assistant; Kristin Seum, Minority Counsel, Health;
70 Kristen Shatynski, Minority Professional Staff Member, Health;
71 and Peter Spencer, Minority Senior Professional Staff Member,
72 Environment & Climate Change.

73 The Chairman. The committee will come to order.

74 We are meeting today to consider 25 bills that address
75 critical issues facing our Nation today, and I would now recognize

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

76 myself for 3 minutes for an opening statement.

77 The 25 bills continue this committee's commitment to putting
78 consumers first, strengthening our economy, combating climate
79 change, and ensuring all Americans have access to affordable and
80 quality health care. We will put consumers first by addressing
81 annoying robocalls and dangerous consumer products.

82 The American people are fed up with robocalls. Who can blame
83 them? An estimated 47 billion robocalls were made last year.

84 That is outrageous. Today this committee will provide some
85 much-needed relief by considering the Stopping Bad Robocalls Act
86 that I introduced with Ranking Member Walden and Ranking Member
87 Latta and Subcommittee Chairman Doyle. And this legislation
88 gives consumers control of their phones again.

89 We will also consider 6 bills that will protect American
90 families from dangerous products, including some that should no
91 longer be on the market.

92 We will combat climate change and strengthen our economy
93 by considering 5 bills that invest in energy efficiency programs
94 in communities across the country, programs that create
95 good-paying jobs, save consumers money, and reduce the amount
96 of greenhouse gas pollution emitted into the air.

97 And we will also discuss legislation that will make our
98 Nation's energy infrastructure more secure by addressing
99 cybersecurity.

100 And, finally, we will continue our work of ensuring all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

101 Americans have access to affordable and quality health care by
102 reauthorizing and strengthening critical public health and
103 Medicare programs. A number of these programs, including funding
104 for community health centers, will expire at the end of September
105 if we don't act. And we will consider a long-term funding
106 agreement for the Medicaid program for the U.S. territories that
107 is long overdue.

108 We will also bring more transparency to the prescription
109 drug pricing process. The METRIC Act includes 5 bipartisan bills
110 that will ensure consumers have access to more information about
111 how prescription drugs are priced and why prices are increasing.

112 We will also tackle the issue of surprise bills. The days
113 of patients receiving surprise bills sometimes as high as \$100,000
114 must end. We will consider the bipartisan No Surprises Act, which
115 I introduced with Ranking Member Walden. This bipartisan
116 legislation will protect consumers from surprise bills.

117 Patients must be held harmless in situations where they are not
118 aware, through no fault of their own, that a provider is not within
119 the insurance network, and that is exactly what this legislation
120 does.

121 And, finally, I do want to mention that we had planned to
122 mark up legislation to reauthorize the Federal Pipeline Safety
123 Program, but we are going to hold that for a future markup. And
124 I want it to be a bipartisan bill, and that is my intent. And
125 one way or another, we need to get this done early this fall,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

126 because that also expires I believe by the end of September.

127 So I want to commend all members and staff for their work
128 in helping to get the 25 bills ready for markup today and hope
129 that they receive strong bipartisan support.

130 And with that, I would recognize Ranking Member Walden for
131 3 minutes for an opening statement.

132 Mr. Walden. Well, thank you, Mr. Chairman. We appreciate
133 the markup today, and I am pleased at the bipartisan progress
134 we have all made, all the members on the committee and the staff,
135 our incredibly talented staff, on a number of key policies under
136 consideration.

137 As you have said, today we will consider bipartisan
138 legislation addressing a challenge nearly every American with
139 a telephone faces, and that is illegal robocalls. Through the
140 Stopping Bad Robocalls Act, I would like to thank Chairman
141 Pallone, Mr. Doyle, and Mr. Latta especially for their partnership
142 on this legislation to protect consumers from illegal robocalls.

143 We are also moving forward with the 6 bills advancing through
144 our Consumer Protection and Commerce Subcommittee to protect
145 consumers, families, and children. While there is strong
146 bipartisan support for many of these bills, as we will hear today,
147 concerns remain about some of the bills before us.

148 In the spirit of bipartisanship, we hope to move these bills
149 by voice vote, but I am hopeful that we can continue to work to
150 improve these measures before they are considered on the House

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

151 floor.

152 The Health Subcommittee has produced a large and bipartisan
153 package of important legislation. The Reauthorizing and
154 Extending America's Community Health or REACH Act provides for
155 a 4-year extension of several critically important public health
156 and workforce programs, including an extension of the community
157 health centers.

158 On the Medicare front, this package includes long-term
159 priorities of this committee, such as the HEARTS Act and
160 provisions to improve the diagnosis of prostate cancer and an
161 extension of the Independence at Home Project.

162 The package will also address the disproportionate share
163 of hospital cuts for the next 2 years, and will provide updated
164 funding for the United States territories' Medicaid Program to
165 ensure they can continue to provide the care their constituents
166 need while including strong program integrity measures that are
167 more important now than ever.

168 Finally, but notably, this package includes the No Surprises
169 Act, which will protect patients and families from surprise
170 medical bills.

171 Thank you to all the members and staff for your good faith
172 efforts in bringing this package together. Now we know there
173 is still work to do, as this package moves to the floor and we
174 negotiate with the United States Senate, but we have a great start
175 and I look forward to continuing these discussions.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

176 We will also consider 2 additional health workforce bills
177 today, along with 4 bipartisan bills that reauthorize important
178 discretionary public health programs -- the Autism Cares Act,
179 the Newborn Screening Saves Lives reauthorization Act, the
180 Emergency Medical Services for Children Program Reauthorization
181 Act, and the Lifespan Respite Care Reauthorization Act.

182 As if that weren't enough, we will also mark up the METRIC
183 Act, which will help increase transparency in drug pricing. The
184 Energy Subcommittee has produced 10 bills for consideration
185 today, including bills to improve DOE electric and energy
186 infrastructure, cybersecurity, and bills to increase water system
187 efficiency and to speed up implementation of smart building
188 technology.

189 Two additional bills -- Chairman Rush's Workforce
190 Development Bill, and H.R. 2041, the Weatherization Bill, have
191 been negotiated in good faith, will also pass with bipartisan
192 support.

193 I am appreciative of the bipartisan collaboration from
194 members and staff to produce these results today, and I yield
195 back the balance of my time.

196 The Chairman. Thank you, Mr. Walden, and thank you for all
197 your support in making this effort today bipartisan.

198 And I would like to now recognize Mr. Rush, chairman of the
199 Subcommittee on Energy, for 3 minutes.

200 Mr. Rush. I want to thank you, Mr. Chairman, for holding

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

201 this important markup on 25 bills covering an array of issues
202 of which the vast majority are bipartisan pieces of legislation.

203 I would like to commend all of the sponsors and co-sponsors
204 and their staffs for all of their hard work in introducing each
205 of these bills. While I support each of these pieces of
206 legislation, I want to especially acknowledge some of the bills
207 that originated from the Energy Subcommittee covering issues of
208 workforce development, energy efficiency, and cybersecurity.

209 I am the sponsor of H.R. 1315, the Blue Collar to Green Collar
210 Jobs Development Act; H.R. 362, the Energy Emergency Leadership
211 Act. I want to publicly thank Ranking Member Upton and his staff
212 for working with my office to strengthen each of these bills.

213 And I also must acknowledge the leadership of Mr. Hudson and
214 Mr. Walberg, who worked with my office on the workforce and
215 cybersecurity bills, respectively, which will each move forward
216 through the committee with bipartisan support.

217 I take my hats off to Mr. Hudson and Mr. Walberg for their
218 strong efforts on behalf of these bills. I strongly believe that
219 each of the bills before us will help to strengthen the economy
220 and combat climate change, while also putting consumers first
221 by investing in a skilled, diverse energy workforce and protecting
222 the nation's electric grid.

223 I urge all of my colleagues to support the bills.

224 The Chairman. Thank you.

225 Mr. Rush. I yield back the remainder of my time.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

226 The Chairman. Thank you, Chairman Rush.

227 I am now going to move to Dr. Burgess, ranking member of
228 the Subcommittee on Health, recognized for 3 minutes.

229 Mr. Burgess. Thank you, and I want to note that this markup
230 today includes a number of critical healthcare reauthorizations
231 that passed through the Health Subcommittee with unanimous
232 bipartisan support last week. H.R. 2328, the Reauthorizing and
233 Extending America's Community Health Act, reauthorizes public
234 health programs for an additional 4 years. This will provide
235 our public health programs with greater predictability, allowing
236 them to maintain their staffing and research goals.

237 H.R. 2328 also includes a 3-year extension of important
238 Medicare programs, including the Independence at Home
239 Demonstration Program, which Congresswoman Dingell and I have
240 worked on for many years. The program provides home-based
241 primary care to high-need Medicare beneficiaries, with multiple
242 chronic conditions, helping them avoid unnecessary
243 hospitalizations, ER visits, and nursing home admission, and
244 ultimately saving dollars.

245 Another important public health reauthorization is 2781,
246 the Empower for Health Act, which I introduced along with
247 Representative Schakowsky. As chairman of the Health
248 Subcommittee last Congress, I made passing Title VII physician
249 workforce reauthorization one of my priorities. And we did that
250 last Congress, but I am glad to see -- since the Senate failed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

251 to take action, I am glad to see that we are taking this issue
252 up again.

253 We will also be considering an amendment today to authorize
254 Medicaid dollars to the United States territories, which will
255 allow the territories to continue to provide critical access to
256 health care. Following the recent events that have transpired
257 in Puerto Rico, I am glad that we have reached a bipartisan
258 consensus on adding more program integrity measures, and I want
259 to thank Representative Jennifer Gonzalez-Colon for her work on
260 this issue.

261 The amendment also contains the No Surprises Act, which would
262 ban surprise or out-of-network billing. The goal of this
263 legislation is to protect the patient by keeping them out of the
264 middle. I appreciate the bipartisan effort to continue working
265 on this after the subcommittee markup, so we can get to a
266 compromise. It will be our job to make sure that it does not
267 get unsatisfactorily diluted in our conference with the Senate.

268 Another priority of the Health Subcommittee of this Congress
269 has been to address fair drug pricing. H.R. 2296 includes
270 measures to increase transparency throughout our drug pricing
271 system. I am willing to support this package given the
272 improvements that have been made after the bill was considered
273 at our hearing.

274 On a separate note, I would like to voice my support for
275 the inclusion of H.R. 3375. Any American with a cell phone has

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

276 dealt with robocalls, probably illegal robocalls, and I look
277 forward to saving Americans from the nuisance and danger of these
278 bad actors in the future.

279 Thank you, Chairman Pallone, Ranking Member Walden, for
280 putting this docket of bills together. I suspect that this will
281 be a lengthy but productive dialogue.

282 I yield back my time.

283 The Chairman. Thank you, Dr. Burgess.

284 I now recognize Ms. Eshoo, Chairwoman of the Subcommittee
285 on Health, for 3 minutes.

286 Ms. Eshoo. Thank you, Mr. Chairman. And good morning to
287 all the members of the committee.

288 We are marking up 25 bills today, and that represents a great
289 deal of work, highly productive work, and so much of it is done
290 by the staff of the members, certainly the members themselves,
291 their staffs, the subcommittee staff, and the full committee
292 staff. So I want to acknowledge all of that.

293 Eight bills have come out of our Health Subcommittee. They
294 invest in public health and the Medicare program. They improve
295 drug pricing, transparency. They provide Medicaid funding to
296 the U.S. territories, and I think that this is really an enormous
297 accomplishment.

298 Of all of the years that I have been on the committee, I
299 think this represents the best work moving that issue forward
300 for the territories. It is going to make a difference in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

301 lives of so many Americans that live in the territories, and,
302 of course, ending this egregious issue of surprise billing.

303 So I think that today's markup really continues our progress
304 on legislation that is going to make a difference, a very real
305 difference, in the lives of all of our constituents, whether it
306 is making sure that our community health centers are funded, their
307 local hospital continues to operate, or that they will no longer
308 be stuck with these eye-popping surprise bills, especially if
309 they have had an emergency room visit.

310 So thank you to everyone that has been involved in the
311 productivity, and I look forward to a timely and swift markup
312 of these 25 bills.

313 And I yield back the balance of my time.

314 The Chairman. Thank you, Chairwoman Eshoo.

315 Next, we are going to go to Mr. Latta, ranking member of
316 the Subcommittee on Communications and Technology. You are
317 recognized for 3 minutes.

318 Mr. Latta. Well, thank you very much, Mr. Chairman. And
319 today's markup includes bipartisan bills that I am pleased to
320 support, including the Stopping Bad Robocalls Act, Cyber Sense
321 Act, and Enhancing Grid Security through Public-Private
322 Partnerships Act.

323 I would like to thank you, Mr. Chairman, or Republican Leader
324 Walden, and Chairman Doyle for working so closely with me on a
325 bill that will offer consumers relief from illegal robocalls.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

326 This legislation, which incorporates my bill, the Stop Robocalls
327 Act, will offer immediate solutions to curb the estimated 48
328 billion robocalls that American receive each year.

329 Our bill would build off of the FCC's actions last month
330 to provide consumers with robocall blocking technology by
331 requiring the SEC to add transparency provisions and redress
332 options for consumers and callers. This will allow consumers
333 to know which calls are being blocked, similar to the spam filter
334 in email, and create a pathway to stop wanted calls from being
335 blocked. The bill will also terminate illegal call operations
336 by increasing information-sharing between phone companies and
337 the FCC and further industry efforts to trace back the source
338 of unwanted robocalls.

339 Most importantly, this bipartisan bill will ensure that we
340 are preserving consumer's access to desirable, and at times
341 lifesaving, calls and text messages while also protecting them
342 from bad actors who fraudulently spoof caller ID information to
343 make illegal robocalls. Americans can have peace of mind knowing
344 that the phones that connect us to the world are being used for
345 good and not scams.

346 I am also pleased to see the markup of two bills I have
347 introduced and worked on closely with my friend from California,
348 Mr. McNerney. The Enhancing Grid Security through
349 Public-Private Partnerships Act will direct the Department of
350 Energy to facilitate and encourage the public-private

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

351 Partnerships to improve cyber security of electric utilities.

352

353 And my bill, the Cyber Sense Act, will create a voluntary
354 DOE cyber sense program that will identify and promote cyber
355 secure products for use in the bulk power system. It will also
356 establish a testing process for products along with a reporting
357 process of cyber security vulnerability.

358 The Secretary of Energy will be required to keep a related
359 database on these products, assist electric utilities in their
360 evaluation of products and their potential to cause harm to the
361 electric grid. At last week's Energy Subcommittee hearing,
362 Assistant Secretary Evans expressed support for this policy to
363 help improve the grid security and resiliency.

364 These bills will foster a collaborative relationship between
365 the DOE and the utilities and ensure our grid becomes increasingly
366 resilient in the face of cyber-attacks. Grid security is a
367 national security, and it is important that we act.

368 With that, Mr. Chairman, I appreciate today's markup, and
369 I yield back the balance of my time.

370 The Chairman. Thank you, Mr. Latta.

371 Next, I go to Chairman Doyle.

372 Mr. Doyle. Thank you, Mr. Chairman, for calling this markup
373 today and for considering legislation to address a problem that
374 we all have firsthand experience with -- robocalls. Unwanted
375 robocalls have exploded recently with Americans receiving nearly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

376 48 billion last year alone, which is a 60 percent increase from
377 the year before, and we are expecting to see that increase to
378 60 billion this year.

379 And while some of these calls constitute legitimate alerts
380 and reminders, that only accounted for about 20 percent of the
381 robocalls people receive each year. In the month of June alone,
382 my hometown of Pittsburgh received an estimated 34 million
383 robocalls. So today the committee will markup the Stopping Bad
384 Robocalls Act, legislation that was introduced by you, Mr.
385 Chairman, and Ranking Member Walden, along with my ranking member,
386 Mr. Latta, and myself.

387 This legislation is a thoughtful and much-needed response
388 to the onslaught of billions of illegal robocalls Americans face.

389 On average, everyone in this country receives 14 of these calls
390 every day.

391 So the bill before the committee today is the result of
392 bipartisan negotiations, which included industry and public
393 interest stakeholders. I am glad that these discussions have
394 resulted in a strong bill that will help seriously reduce the
395 number of robocalls consumers receive.

396 All in all, this is a strong bill and a good compromise.

397 It shows what Democrats and Republicans can accomplish when we
398 put our heads together to address a critical issue. I am glad
399 to be marking it up today. I urge all members of the committee
400 to support it and discharge it to the floor and out of the house

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

401 forthwith.

402 I am also pleased that we are going to mark up H.R. 1058,
403 the Autism CARES Act of 2019. Since we started working on this
404 legislation in 2006, over \$3 billion has been dedicated to NIH,
405 CDC, and HRSA to understand autism spectrum disorders and define
406 the right intervention and support for each unique individual.

407 Funding has also been used to support the training and education
408 of health professionals to provide resources for families and
409 to coordinate efforts across federal agencies at the Interagency
410 Autism Coordinating Committee.

411 These efforts have translated into real-life support for
412 individuals and families, although we still have a long way to
413 go. This bill today would help address some of the gaps that
414 remain in our understanding of ASD, and interventions and supports
415 for individuals and families. And with that, Mr. Chairman, I
416 yield back.

417 The Chairman. Thank you, Chairman Doyle.

418 Next we are going to go to Mrs. Rodgers, ranking member of
419 the Subcommittee on Consumer Protection and Commerce, for 3
420 minutes.

421 Mrs. Rodgers. Good morning, everyone. Thank you, Chairman
422 Pallone, and all of my colleagues on this committee. Today we
423 will consider 6 bills from the Consumer Protection and Commerce
424 Subcommittee beginning with H.R. 2211, the STURDY Act.

425 Thank you, Chairman Pallone and Chairwoman Schakowsky, for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

426 listening to our feedback on this legislation. Our amendment
427 that I will offer later today continues to improve the bill.
428 I appreciate your commitment to our bipartisan negotiations and
429 to keeping children safe from harm.

430 H.R. 3172, the Safe Sleep Act, addresses a suffocating hazard
431 related to the recent recalls of several inclined sleep products;
432 and H.R. 3170, the Safe Cribs Act of 2019, will address the
433 suffocation hazard created by padded crib bumpers. I hope that
434 our efforts here and the work done by the CPSC will help prevent
435 future tragedies.

436 I strongly encourage parents to visit saferproducts.gov to
437 get the most up-to-date information about these and other recalls.

438 That is saferproducts.gov.

439 I would also like to recognize Mr. Carter and Ms. Kuster
440 for their work on H.R. 1618, the Nicholas and Zachary Burt Carbon
441 Monoxide Poisoning Prevention Act of 2019. Carbon monoxide
442 detectors save lives, including a constituent of mine in Spokane
443 Valley just earlier this year.

444 Turning to H.R. 806, the Portable Fuel Container Safety Act
445 of 2019, this bill requires all consumer fuel container products
446 utilize a flame mitigation device preventing dangerous flame
447 jetting. Thank you, Margrett Lewis, for turning your family's
448 tragedy into a personal mission for other families and to protect
449 those that might have a similar nightmare. Your steadfast
450 commitment to your family and this issue got us here today.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

451 I would also like to recognize Reps. Griffith and Matsui's
452 work on H.R. 2647, the Safer Occupancy Furniture Flammability
453 Act, or SOFFA Act. I share the goals of this legislation. One
454 national standard is critically important, but I have concerns
455 with the current draft that sets a state technical bulletin as
456 a federal standard.

457 As I have mentioned throughout the process, I am disappointed
458 that the majority did not allow my bill, the FASTER Act, to come
459 up for debate during today's markup, but I am encouraged by the
460 progress we have made on several other bills here today and look
461 forward to supporting them and moving them forward in the process.

462 Thank you, Mr. Chairman.

463 The Chairman. Thank you, Mrs. Rodgers, and thank you and
464 Chairwoman Schakowsky, because you have taken so much care in
465 trying to protect children, which I think is so important.

466 And I would like to now recognize Chairwoman Schakowsky for
467 3 minutes.

468 Ms. Schakowsky. Thank you so much, Chairman Pallone, and
469 thank you, Ranking Member Walden, for your leadership and bringing
470 us all together for today's important markup.

471 You know, consumer protection is what really drew me to
472 public life in the first place, and I like to call the subcommittee
473 that I have the honor of leading American's Help Line. And as
474 I have said several times in our subcommittee, Americans sometimes
475 have some skepticism about, what does government really do for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

476 us? And the bills that we passed in our subcommittee have one
477 thing in common. They save lives. They are pretty simple pieces
478 of legislation, and I want to say that I am so happy that we are
479 able to pass these bills in a bipartisan way.

480 You heard some of them already from our ranking member, that
481 she and I have been able to work together, and that we have been
482 able to work in a totally bipartisan basis on these bills. And
483 I, again, want to assure her that we all agree that the recall
484 process needs fixing and that we will go forward in working
485 together to find a bill that does that better.

486 But the bills that we passed will protect children from being
487 killed from dressers falling on them. And some may say, really,
488 that happens? Every 10 days a child dies from that. We have
489 got to protect people from gas cans that explode. We are going
490 to make cribs that are safer because there are instances of
491 products inside the cribs that actually end in the death of babies.

492 We are going to make furniture which has toxic chemicals
493 that threaten people and firefighters safer, and protect people
494 from carbon monoxide poisoning.

495 So, again, I don't want to take too much time -- we have
496 so many bills -- but I do want to say that I also really appreciate
497 the parents that have come forward in such a painful moment,
498 situations where their children have died or been injured and
499 testify about these threats that have led to a number of these
500 bills that we have passed.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

501 And also, just thank all -- my ranking member and all the
502 members of the subcommittee. I think we have made good progress
503 today, and I think everyone can be proud to support these bills,
504 and I yield back.

505 The Chairman. Thank you, Chairwoman Schakowsky.

506 And now we are going to go back to Ranking Member Upton.
507 Is he at the end there? Yes.

508 Mr. Upton. Thank you, Mr. Chairman. It is important that
509 we have this full committee markup today. We have got 11 bills
510 before us that are reported by the Energy Subcommittee. We have
511 bipartisan agreement on almost all of them, and I look forward
512 to continuing to work.

513 It was important that we reached bipartisan agreement on
514 the energy and manufacturing workforce development bill. It is
515 a huge win for all of us. I look forward to a big vote, so we
516 can build on that momentum and get it across the finish line,
517 given our history with this bill through multiple Congresses.

518 We also came together to reauthorize DOE's Weatherization
519 Program. It is an important program for every state, certainly
520 Michigan, to help reduce energy costs for low-income households
521 by increasing the energy efficiency for their homes. This is
522 an expired program that continues to receive funding every year,
523 so I am glad that we are finally able to come together and reassert
524 the committee's important role as authorizers.

525 I am also pleased that the full committee will soon report

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

526 our bipartisan cyber bills from the last Congress, including
527 legislation that I helped write to codify DOE's authorities
528 regarding the cybersecurity of the Nation's pipeline system.

529 Finally, I want to thank you, Mr. Chairman, and Chairman
530 Rush for continuing to work with us to reauthorize PHMSA's
531 Pipeline Safety Program on a bipartisan basis. I know that we
532 are going to get there. We are not quite there yet, and so we
533 will continue to work in the weeks ahead to get there and work
534 with our colleagues on another committee or two.

535 I also want to commend our committee's work on the very
536 important healthcare bills that we are considering today, many
537 programs I have long supported, such as community health centers,
538 the special diabetes program, and others. I also am pleased that
539 we are moving legislation tackling the issue of surprise medical
540 billing, certainly an important issue.

541 I would guess that all of us have heard from our many
542 community members on every side on this. I think that we have
543 got a sweet spot. I look forward to supporting that and look
544 forward to working with all of us and yield back.

545 The Chairman. Thank you, Mr. Upton.

546 I think that concludes opening statements by the
547 subcommittee chairs and ranking members who have legislation
548 before us. But would any other member seek recognition at this
549 point? On the Democratic side, is there any -- Mr. Kennedy?

550 Mr. Kennedy. Thank you, Mr. Chairman. I want to thank you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

551 for calling up this markup and moving forward with a series of
552 bipartisan policies that will protect lives around this country.

553 From bringing an end to abusive predatory robocalls to enacting
554 critical safeguards for dressers and cribs to job retraining
555 programs to enhance workplace protections for nurses, the package
556 that we consider today will make a massive impact on lives of
557 many Americans.

558 None of these bills that we consider today should be
559 dismissed as noncontroversial or portrayed as easy messaging
560 bills because of the results that they will provide, because there
561 is in fact someone in this country none of us have met whose lives
562 will be changed by what we accomplish today.

563 I am particularly glad that this legislative package
564 includes provisions to postpone cuts to disproportionate share
565 hospitals that will save hospitals in my home State of
566 Massachusetts more than \$300 million. Those savings can now be
567 redirected towards lifesaving care that those hospitals provide
568 every single day.

569 It wouldn't be possible without the bipartisan support of
570 the amendment that was received by many of my colleagues when
571 we were in the subcommittee markup. And although we certainly
572 still have work to do to increase funding for community health
573 centers and other critical healthcare programs, this markup is
574 a great start.

575 Thank you. I yield back.

576 The Chairman. Thank you. Anyone on the Republican side?
577 The gentleman is recognized.

578 Mr. Guthrie. Thank you, Mr. Chairman, for holding this
579 important markup today. The number one thing I hear about back
580 home is robocalls. Kentuckians are sick of their lives being
581 interrupted by these intrusive calls. People have told me about
582 calls that look like they are local even though they are coming
583 from their own number, only to be coming from somewhere across
584 the country.

585 One Kentuckian told me she disconnected a landline she had
586 over 50 years because she was getting too many spam calls. A
587 college student in my district said that he once received 12 calls
588 during just one class period. So I am glad we are addressing
589 this issue, and, in addition, I look forward to debating the No
590 Surprises Act, which will protect patients from surprise medical
591 billing.

592 I appreciate the hard work of Chairman Pallone, Ranking
593 Member Walden, and the staff on this bill. I think we all agree
594 that we want to get this right and protect patients from surprise
595 bills.

596 I yield back.

597 The Chairman. Thank you. Mr. Lujan?

598 Mr. Lujan. Thank you, Chairman. And thank you to you, Mr.
599 Chairman, Mr. Ranking Member, Mr. Walden, to all the subcommittee
600 chairs and ranking members, for the work to provided much-needed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

601 protections to the American people.

602 Today the Energy and Commerce Committee will pass more than
603 20 bills, the vast majority of which will pass with wide bipartisan
604 support, will stop the avalanche of robocalls that take up our
605 constituents' valuable time and will protect children from
606 dangerous products, will promote green jobs and smart buildings,
607 energy and water efficiency efforts, will strengthen our public
608 health infrastructure and support our community health centers,
609 will increase transparency related to drug prices, and
610 reauthorize vital nursing workforce development programs, and
611 we will take steps to protect patients from surprise billing.

612 Finally, I want to thank Chairman Pallone and Ranking Member
613 Walden for working with me to strengthen the provisions that
614 increased access to data and transparency related to the air
615 ambulance billing process.

616 Again, I thank my colleagues for their work on these
617 important issues, and I yield back.

618 The Chairman. Thank you. Anyone else on the Republican
619 side? Anybody on the Democratic side want to say anything?

620 All right. We are going to proceed then. We will start
621 with a bill consideration, and I call up H.R. 3375, the Stopping
622 Bad Robocalls Act, as forwarded by the Subcommittee on
623 Communications and Technology on June 25, and the clerk will
624 report the bill.

625 The Clerk. H.R. 3375, a bill to amend the Communications

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

626 Act of 1934, to clarify the prohibitions on making robocalls--

627 [The Bill H.R. 3375 follows:]

628

629 *****INSERT 1*****

630 The Chairman. Without objection, the first reading of the
631 bill will be dispensed with, and the bill is now considered as
632 read and open for amendment at any point.

633 I am going to recognize myself to offer a manager's
634 amendment, which is labeled MGR-01 I guess. The clerk will report
635 the amendment.

636 The Clerk. Amendment to H.R. 3375 offered by Mr. Pallone
637 of New Jersey. Page 2, beginning on line 8 --

638 [The Amendment offered by Mr. Pallone follows:]

639

640 *****INSERT 2*****

641 The Chairman. Without objection, the reading of this
642 amendment will be dispensed with, and I would recognize myself
643 for 5 minutes to speak in support of the amendment.

644 This bill, the Robocalls Act, as we have said, is an important
645 step to cut down on the harassing, abusive robocalls that all
646 of us, members here on this dais, but more importantly, our
647 constituents across the country, receive these calls every day.

648 It has been a great bipartisan effort to get the bill to
649 this point today, and I would like to thank my colleagues for
650 all of their efforts to support and strengthen the bill. I am
651 offering today a manager's amendment that makes a few small but
652 important changes to the bill. First, it includes a handful of
653 technical tweaks in response to discussions we have had with
654 colleagues and stakeholders.

655 Second, the manager's amendment includes a new provision
656 that addresses legitimate calls that are blocked or
657 deprioritized. And one issue that my colleagues representing
658 rural areas have raised with call authentication standards is
659 that calls originating from networks using older technology,
660 which often serve rural areas, may be blocked or appear as a
661 possible scam call because the technology is not compatible with
662 these networks.

663 So to address these concerns, we added a provision to create
664 transparency around blocked calls as well as redress options for
665 improperly blocked calls. But, again, this is a strong

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

666 bipartisan bill with common-sense and meaningful provisions to
667 tackle illegal and unwanted robocalls. It gives consumers more
668 control over stopping these calls and tightens the screws on
669 scammers using our telephone system to harass and abuse.

670 And I worry that failing to act on this important issue not
671 only causes further harm than annoyance to our constituents but
672 also undermines our telephone system. So I urge support of the
673 amendment as well as the underlying bill, and I would yield back
674 at this time.

675 Are there any other members seeking recognition to speak
676 on the amendment specifically, on the manager's amendment
677 specifically? Yes, Chairman Doyle.

678 Mr. Doyle. I move to strike the last word. Mr. Chairman,
679 I support the manager's amendment, and I support the underlying
680 bill. This legislation does much to address many of the
681 technological and regulatory shortfalls that have led to the rise
682 in robocalls that we have to deal with. I am pleased to see that
683 language from the support tools to Obliterate Pesky Robocalls
684 Act or Stop Robocalls Act, which Ranking Member Latta and I
685 introduced, was also included in the base text of this bill, which
686 allows phone carriers to automatically enable robocall blocking
687 services by default on phone lines.

688 While these technologies have been available on an opt-in
689 basis, too many of our seniors and, frankly, too many people in
690 general just don't know about these services or how to enable

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

691 them. Allowing these services to be enabled by default allows
692 more consumers to benefit from these technologies without having
693 to go through an onerous signup process, particularly for seniors
694 and those most vulnerable to scam calls.

695 The bill also includes provisions that would ensure these
696 new robocall blocking services do not result in new consumer fees
697 and provides redress for callers and consumers when a call was
698 blocked incorrectly. The bill also requires all carriers to
699 adopt call authentication technology, which would enable people
700 to be certain that the number they see on their caller ID is really
701 the number that the call is coming from.

702 All too often people get calls that look like they are coming
703 from someone down the street but were actually coming from
704 scammers half a world away. The bill also seeks to limit the
705 number of nuisance robocalls consumers receive by ensuring that
706 callers have consumers' consent before they robocall them, and
707 it would require a series of rulemakings by the FCC to update
708 their current rules to ensure that these rules protect consumers.

709 The bill also extends the statute of limitations for illegal
710 robocalls to ensure that federal authorities have sufficient time
711 to take legal action against spammers and scammers who make these
712 calls.

713 Mr. Chairman, this is a good bill, and I recommend all members
714 to vote for the manager's amendment and the underlying bill, and
715 I yield back.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

716 The Chairman. Thank you, Chairman Doyle.

717 Are there other members seeking recognition on this
718 manager's amendment? Yes, Mr. Gianforte.

719 Mr. Gianforte. I move to strike the last word.

720 The Chairman. The gentleman is recognized.

721 Mr. Gianforte. First and foremost, I commend Chairman
722 Pallone, Chairman Doyle, Republican Leader Walden, and Republican
723 Leader Latta, on their ability to find a consensus to protect
724 Americans from unwanted robocalls. Montanans have told me it
725 is one of the worst thing they face on a day-in and day-out basis
726 are illegal robocalls. They are getting called with bogus
727 insurance offers, threats of legal action, and false promises
728 of government grants.

729 Robocall scams put Montanans at risk of being robbed.
730 Scammers constantly try to steal private personal information,
731 Social Security Numbers, credit card numbers, and banking
732 information from unsuspecting Montanans. Today we are taking
733 a huge step in stopping the scourge of robocalls.

734 The Stop Bad Robocalls Act empowers and protects consumers.
735 The bill requires phone companies to provide call authentication
736 technology, offers call blocking services, and gives the FCC more
737 tools to track down bad actors at no cost to consumers.

738 This legislation also contains language I introduced with
739 Mr. Butterfield and Mr. Johnson. Our Tracing Back and Catching
740 Unlawful Robocallers Act creates a report on private efforts of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

741 companies to implement trace-back technology, its effectiveness,
742 which companies participate. Consumers will have access to this
743 public information.

744 The report will also inform the FCC and Congress on the
745 effects of these trace-back efforts. I am proud of our bipartisan
746 efforts, our moving forward today, and we are one step closer
747 to protecting Montanans from scammers and criminals who seek to
748 do them harm.

749 And, with that, I recommend support of the manager's
750 amendment and the underlying bill, and I yield back.

751 The Chairman. Thank you, Mr. Gianforte.

752 Anybody else? Yes, Mr. Butterfield.

753 Mr. Butterfield. Thank you, Mr. Chairman. I, too, would
754 like to thank you, Chairman Pallone and Chairman Doyle, and to
755 the two ranking members, for their efforts in preventing the
756 spread of illegal robocalls. These calling operations, Mr.
757 Chairman, have the potential to deceive and defraud unsuspecting
758 citizens in my district and in your districts, with little
759 recourse for victims. Illegal calls are not only undermining
760 legitimate commerce, but also the integrity of our government,
761 as perpetrators often impersonate government officials, and that
762 is absolutely despicable.

763 Congress must do its part to bring perpetrators to justice
764 and end bad robocalls for good, and that is what this committee
765 is doing today with the Stopping Bad Robocalls Act. And so I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

766 want to thank the leadership of our committee. I want to thank
767 Mr. Gianforte and all of you who have had a hand in making this
768 legislation possible.

769 Thank you. I yield back.

770 The Chairman. Thank you, Mr. Butterfield.

771 Anyone on the Republican side want to speak on this manager's
772 amendment? Yes, Mrs. Rodgers.

773 Mrs. Rodgers. Thank you, Mr. Chairman. I move to strike
774 the last word. Robocall spam is a nuisance that almost every
775 American deals with on a daily basis. For some, it can be more
776 than just an annoyance. Sometimes it is leading to the theft
777 of personal or financial information.

778 Over the last few years, they have begun to impact nearly
779 everyone in eastern Washington and across the country and are
780 expected to become even worse in coming years. I want to applaud
781 the chairman, Chairman Pallone, Ranking Member Walden, and the
782 rest of the members and staff for this important work, bipartisan
783 work, that went into the legislation before us.

784 By cracking down on bad robocalls and requiring carriers
785 to implement safeguards and services for their consumers, it is
786 my hope that we can end this dangerous annoyance once and for
787 all. I urge support for this important bill, and I yield back
788 the balance of my time.

789 The Chairman. Thank you. Anyone else want to speak on this
790 manager's amendment, on either side? All right. If there is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

791 no further debate, we will proceed to a vote on the manager's
792 amendment.

793 All those in favor of the amendment will signify by saying
794 aye.

795 All those opposed will signify by saying no.

796 In the opinion of the chair, the ayes have it. The amendment
797 is agreed to.

798 Are there any further amendments to this bill? Dr. Burgess
799 is recognized.

800 Mr. Burgess. Thank you, Mr. Chairman. I have an amendment
801 to offer on behalf of Mrs. Dingell and myself. It is amendment
802 number XML-44.

803 The Chairman. Does the clerk have the amendment?

804 The Clerk. Yes.

805 The Chairman. The clerk will report the amendment.

806 The Clerk. Amendment to H.R. 3375 offered by Mr. Burgess
807 of Texas.

808 [The Amendment offered by Mr. Burgess follows:]

809

810 *****INSERT 3*****

811 The Chairman. Without objection, the reading of the
812 amendment will be dispensed with, and the gentleman from Texas
813 is recognized for 5 minutes.

814 Mr. Burgess. Thank you, Mr. Chairman, and I wanted to offer
815 this amendment with Representative Dingell to establish a
816 hospital robocall protection group at the Federal Communications
817 Commission. This group will issue best practices to help combat
818 unlawful robocalls made to hospitals as well as those made
819 spoofing a legitimate hospital phone number.

820 Robocalls have moved beyond a simple nuisance.
821 Sophisticated actors are now using them to trick people into
822 providing sensitive information by posing as legitimate
823 organizations. When this spoofing happens to hospitals,
824 patients have no reason to believe that there is a fraudulent
825 actor on the other line leading them to reveal sensitive health
826 data and financial information.

827 This activity threatens the integrity of real health-related
828 phone calls and jeopardizes the relationship between the patient
829 and their provider. Even more challenging than explaining to
830 consumers that calls from your phone number are not always from
831 your organization is the response time required.

832 According to testimony by Dave Summitt of the H. Lee Moffitt
833 Cancer Center, in a 90-day period they received over 6,600
834 external calls identified as a Moffitt internal phone number
835 requiring 65 hours of response time. This is time that could

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

836 have been used to support the hospital rather than respond to
837 fraudulent calls.

838 The hospital robocall protection group will assist hospitals
839 to combat these fraudulent robocalls, so that they may focus on
840 serving patients. A patient should not have to worry about
841 whether or not they are speaking with their real provider when
842 discussing sensitive health information, and providers should
843 not have to deal with the disruptive false claims.

844 I urge support of this amendment and look forward to the
845 best practices being put forward by the hospital robocall
846 protection group. And I want to thank Representative Dingell
847 for being willing to offer this amendment with me. And I yield
848 back.

849 The Chairman. Okay. Is there any other member who wants
850 to address -- yes, the gentlewoman from Florida.

851 Ms. Castor. Thank you, Mr. Chairman. It is vitally
852 important that we tackle the bad robocall problem. Folks back
853 home know that this is an issue, so this is very important, that
854 we are acting in a bipartisan way to do this. You cannot even
855 trust the number that is calling you anymore.

856 Robocalls have gotten so bad that people are just refusing
857 to pick up the phone, right? You all are -- you know it. It
858 has happened to me. It has happened to everyone I know. The
859 spoofing and the neighborhood spoofing also is preying on innocent
860 people. In the Tampa area alone, in 2018, there were 450 million

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

861 robocalls. In Florida, just last month or just in April of this
862 year, 360 million robocalls. That is not right. You know,
863 consumers are paying for telephone services, so they should be
864 able to use them as intended.

865 I want to thank Congressman Burgess and Congresswoman
866 Dingell for bringing this amendment to help our hospitals back
867 home, because in April the chief information security officer
868 from the H. Lee Moffitt Cancer and Research Institute in my
869 hometown of Tampa testified in front of the Communications and
870 Technology Subcommittee. He said that these unsolicited,
871 fraudulent, and malicious robocalls are being directed to cancer
872 patients in the hospital. And they are often spoofed as coming
873 from the hospital to cancer patients.

874 He also testified that hospital personnel working on cancer
875 research and taking care of patients are receiving thousands of
876 calls that make it look like they are coming from inside the cancer
877 institute as well.

878 In that 90-day period, Moffitt Cancer Center received over
879 6,500 external calls identified as a Moffitt internal number,
880 consuming enormous amounts of time that should be spent on taking
881 care of cancer patients and the mission there. These robocalls
882 are damaging, they are costly, they are time-consuming. So I
883 want to thank Chairman Pallone and Ranking Member Walden, and
884 all of the members on this committee, for working on this
885 bipartisan legislation, which I am proud to co-sponsor. I urge

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

886 that we pass this amendment, we get this bill to the House floor
887 as quickly as possible.

888 Thank you, and I yield back.

889 The Chairman. Thank you, Ms. Castor.

890 Anyone on the Republican side want to speak on Dr. Burgess'
891 amendment? Anybody at all on either side? Oh, I am sorry. Mrs.
892 Dingell.

893 Mrs. Dingell. Thank you, Mr. Chairman. I am proud to
894 co-sponsor this with my colleague, Mr. Burgess. I know he talked
895 about the bill, but this bipartisan amendment protecting patients
896 and doctors from Unlawful Robocalls Act is going to help hospitals
897 and patients combat the constant wave of robocalls that inundate
898 patients' cell phones and hospital phone lines.

899 And unless you have been sitting in a hospital or been with
900 a patient, you don't know how bad it is. It is something, and
901 as we are all going to talk about a lot today, we live with, but
902 that relentless ringing of our phones prevents us from using them
903 in the way they are intended to be used to talk.

904 Patients become afraid to answer the phones. Hospitals and
905 patients are not immune, and in situations where seconds could
906 make the difference between life and death, there can't be a delay
907 due to robocallers or people afraid to answer the phone.

908 This amendment will address that issue and complement the
909 work the underlying bill does to mitigate robocalls across the
910 board. It would put the FCC/FTC voice service providers'

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

911 companies focused on mitigating robocalls and hospitals together
912 to come up with solutions to this growing problem.

913 So this amendment follows in the bipartisan path we have
914 traveled with for the Stopping Bad Robocalls Act, and I urge my
915 colleagues to adopt this amendment and support the underlying
916 bill and yield back the balance of my time.

917 The Chairman. Thank you. Does any other member seek
918 recognition on this amendment? All right.

919 Then we are going to proceed to vote on the amendment. And,
920 again, this is Dr. Burgess' amendment.

921 All those in favor of the amendment will signify by saying
922 aye.

923 All those opposed will say no.

924 In the opinion of the chair, the ayes have it, and the
925 amendment is agreed to.

926 Are there any further amendments to this robocall bill?
927 No? We thought there was one more. No?

928 Mr. Flores. Mr. Chairman?

929 The Chairman. Mr. Flores is recognized.

930 Mr. Flores. I have an amendment at the desk.

931 The Chairman. Does it have a number?

932 Mr. Flores. It is from Mr. McNerney and myself.

933 The Chairman. Oh, you have it. Okay. Do you want to
934 report the amendment for us?

935 The Clerk. Amendment to H.R. 3375 offered by Mr. Flores

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

936 of Texas.

937 [The Amendment offered by Mr. Flores follows:]

938

939 *****INSERT 4*****

940 The Chairman. Without objection, the reading of the
941 amendment will be dispensed with, and the gentleman, Mr. Flores,
942 is recognized for 5 minutes.

943 Mr. Flores. Thank you, Mr. Chairman. Let me start by
944 thanking you and Chairman Doyle and Republican leaders Walden
945 and Latta for holding this markup and considering H.R. 3375 on
946 a bipartisan basis.

947 Everyone on this committee hears the frustration from their
948 constituents about the scourge of illegal robocalls, and
949 rightfully so. Consumers are estimated to receive 2.4 billion
950 unwanted calls per month. Almost half of all cell phone calls
951 over the next year will come from scammers that seek to illegally
952 defraud everyday Americans. This is why I am glad to co-sponsor
953 this bill under consideration today, the Stopping Bad Robocalls
954 Act.

955 In terms of my amendment, I am offering this amendment with
956 Representative McNerney of California to increase penalties for
957 perpetrators of illegal robocall operations. Make no mistake:
958 these scammers intentionally seek to deceive consumers into
959 handing over sensitive information to cause harm on everyday
960 Americans.

961 With our amendment, we will raise penalties for violations
962 with intent from \$1,500 per violation to \$10,000 per violation,
963 which is a more appropriate and robust penalty fit for the crime,
964 and a monetary level to deter potential operators from entering

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

965 into this illicit industry, which victimizes vulnerable Americans
966 and harasses everybody.

967 This bill, with the inclusion of our amendment, represents
968 a strong step forward in giving enforcement agencies additional
969 tools and authority to fight and ultimately end robocalls and
970 allow consumers or constituents to once again trust their phone
971 when it rings.

972 I am glad to support this bipartisan bill, which includes
973 a combination of priorities from both sides of the aisle and will
974 ultimately give consumers the tools they need at no additional
975 cost, and it will establish regulatory flexibility for the FCC
976 to continue fighting illegal robocall operations.

977 I also want to thank Mr. McNerney for working with me on
978 this and other important bipartisan issues in this committee.

979 I urge my colleagues to support my amendment and to support the
980 bill, and I yield back the balance of my time.

981 The Chairman. I thank the gentleman. Mr. McNerney?

982 Mr. McNerney. Thank you, Mr. Chairman. I want to thank
983 Mr. Flores for working with me on this amendment. Basically,
984 we support the underlying bill, but we want to add a little more
985 disincentive to robocall producers. Today Californians and
986 Americans are seeing more unwanted robocalls than ever before.

987 This is something I do hear about from my constituents quite
988 often. More than 40 percent of these calls are illegal scams,
989 and each scam on average costs a victim \$430. So unwanted

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

990 robocalls are annoying. They put consumers at risk. We are long
991 overdue for putting a stop to them.

992 From the perspective of consumers, it often seems the best
993 solution is just to not pick up the phone, and that threatens
994 to make our phone system obsolete. Our amendment will create
995 disincentives for the most egregious violators of the law.
996 Creating these disincentives is critical for protecting consumers
997 and stopping these abusive practices. That is why I am proud
998 to offer this amendment with my colleague, Mr. Flores. I urge
999 my colleagues to support this bipartisan amendment and the
1000 underlying bipartisan bill. I yield back.

1001 The Chairman. I thank the gentleman. Anyone else want to
1002 speak on the Flores amendment on the Republican side? Go to Mr.
1003 Sarbanes.

1004 Mr. Sarbanes. Just very briefly, I support the amendment.
1005 This is really actually a critical amendment because a lot of
1006 these scam artists see the cost of doing this as just a cost of
1007 doing business. They are always trying to stay one step ahead
1008 of the law. They set up one operation; it gets shut down; they
1009 go to another operation.

1010 So if you increase the penalty on them, they may actually
1011 change their behavior in a meaningful way. So I want to thank
1012 my colleagues for the amendment, and I yield back.

1013 The Chairman. Thank you, Mr. Sarbanes. Anyone else on the
1014 Flores amendment? Okay.

1015 If not, we will proceed to a vote on the Flores amendment.

1016 All those in favor will signify by saying aye.

1017 All those opposed will say no.

1018 In the opinion of the chair, the ayes have it, and the Flores
1019 amendment is agreed to.

1020 I think that is the last one. Are there any other amendments
1021 on this robocall bill? All right. Then we will proceed -- yes,
1022 the gentlewoman from California?

1023 Ms. Eshoo. Mr. Chairman, I can't wait for this to pass.

1024 And when it does, I think we are going to hear applause from
1025 across America. So bravo to everyone involved in this. It is
1026 probably going to emerge as the most popular bill that we pass,
1027 but that speaks to the level of harassment and serious scamming
1028 that is taking place in our country.

1029 So let's go. Let's pass it. Let's get it to the floor.

1030 And I think that a lot of people are going to be very happy about
1031 this.

1032 The Chairman. I thank the gentlewoman. I agree. I just
1033 got a call from Miami, which I didn't answer. I mean, unless
1034 it is, you know, Mario, Lincoln, or, you know, one of the
1035 representatives, so I didn't answer it. I suspect it is a
1036 robocall. In any case --

1037 Ms. Eshoo. Raise the penalty.

1038 The Chairman. Right. Anyone else? If not, we are going
1039 to proceed to a vote. Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1040 The question now occurs on favorably reporting H.R. 3375,
1041 as amended, to the House.

1042 All those in favor of reporting H.R. 3375, as amended, will
1043 signify by saying aye.

1044 All those opposed will signify by saying no.

1045 In the opinion of the chair, the ayes have it.

1046 Oh, we want to have a recorded vote? Okay. So we do want
1047 to have a recorded vote. I guess the Democrats want to have a
1048 recorded vote. And you don't care, right?

1049 So a recorded vote is ordered. Those in favor of reporting
1050 H.R. 3375, as amended, to the House will say aye, and those opposed
1051 will say no. And the clerk shall call the roll.

1052 The Clerk. Mr. Rush.

1053 Mr. Rush. Aye.

1054 The Clerk. Mr. Rush votes aye.

1055 Ms. Eshoo.

1056 Ms. Eshoo. Aye.

1057 The Clerk. Ms. Eshoo votes aye.

1058 Mr. Engel.

1059 [No response.]

1060 The Clerk. Ms. DeGette.

1061 Ms. DeGette. Aye.

1062 The Clerk. Ms. DeGette votes aye.

1063 Mr. Doyle.

1064 Mr. Doyle. Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1065 The Clerk. Mr. Doyle votes aye.
1066 Ms. Schakowsky.
1067 [No response.]
1068 The Clerk. Mr. Butterfield.
1069 Mr. Butterfield. Aye.
1070 The Clerk. Mr. Butterfield votes aye.
1071 Ms. Matsui.
1072 Ms. Matsui. Aye.
1073 The Clerk. Ms. Matsui votes aye.
1074 Ms. Castor.
1075 Ms. Castor. Aye.
1076 The Clerk. Ms. Castor votes aye.
1077 Mr. Sarbanes.
1078 Mr. Sarbanes. I vote for the Stopping Bad Robocalls Act.
1079 The Clerk. Mr. Sarbanes votes aye.
1080 Mr. McNerney.
1081 Mr. McNerney. Aye.
1082 The Clerk. Mr. McNerney, aye.
1083 Mr. Welch.
1084 Mr. Welch. Aye.
1085 The Clerk. Mr. Welch, aye.
1086 Mr. Lujan.
1087 Mr. Lujan. Aye.
1088 The Clerk. Mr. Lujan, aye.
1089 Mr. Tonko.

1090 [No response.]

1091 The Clerk. Ms. Clarke.

1092 [No response.]

1093 The Clerk. Mr. Loeb sack.

1094 Mr. Loeb sack. Aye.

1095 The Clerk. Mr. Loeb sack, aye.

1096 Mr. Schrader.

1097 [No response.]

1098 The Clerk. Mr. Kennedy.

1099 Mr. Kennedy. Aye.

1100 The Clerk. Mr. Kennedy, aye.

1101 Mr. Cardenas.

1102 [No response.]

1103 The Clerk. Mr. Ruiz.

1104 Mr. Ruiz. Aye.

1105 The Clerk. Mr. Ruiz votes aye.

1106 Mr. Peters.

1107 Mr. Peters. Aye.

1108 The Clerk. Mr. Peters, aye.

1109 Mrs. Dingell.

1110 Mrs. Dingell. Aye.

1111 The Clerk. Mrs. Dingell, aye.

1112 Mr. Veasey.

1113 Mr. Veasey. Aye.

1114 The Clerk. Mr. Veasey, aye.

1115 Ms. Kuster.

1116 Ms. Kuster. Aye.

1117 The Clerk. Ms. Kuster, aye.

1118 Ms. Kelly.

1119 Ms. Kelly. Aye.

1120 The Clerk. Ms. Kelly, aye.

1121 Ms. Barragan.

1122 [No response.]

1123 The Clerk. Mr. McEachin.

1124 Mr. McEachin. Aye.

1125 The Clerk. Mr. McEachin, aye.

1126 Ms. Blunt Rochester.

1127 Ms. Blunt Rochester. Aye.

1128 The Clerk. Ms. Blunt Rochester, aye.

1129 Mr. Soto.

1130 Mr. Soto. Aye.

1131 The Clerk. Mr. Soto, aye.

1132 Mr. O'Halleran.

1133 Mr. O'Halleran. Aye.

1134 The Clerk. Mr. O'Halleran, aye.

1135 Mr. Walsh. Mr. Walsh. I mean, sorry, Mr. Walden. I

1136 apologize.

1137 Mr. Walden. Aye.

1138 The Clerk. Mr. Walden, aye.

1139 Mr. Upton.

1140 Mr. Upton. Aye.

1141 The Clerk. Mr. Upton, aye.

1142 Mr. Shimkus.

1143 [No response.]

1144 The Clerk. Mr. Burgess.

1145 Mr. Burgess. Aye.

1146 The Clerk. Mr. Burgess, aye.

1147 Mr. Scalise.

1148 [No response.]

1149 The Clerk. Mr. Latta.

1150 Mr. Latta. Aye.

1151 The Clerk. Mr. Latta, aye.

1152 Mrs. Rodgers.

1153 Mrs. Rodgers. Aye.

1154 The Clerk. Mrs. Rodgers, aye.

1155 Mr. Guthrie.

1156 Mr. Guthrie. Aye.

1157 The Clerk. Mr. Guthrie, aye.

1158 Mr. Olson.

1159 Mr. Olson. Aye.

1160 The Clerk. Mr. Olson, aye.

1161 Mr. McKinley.

1162 Mr. McKinley. Aye.

1163 The Clerk. Mr. McKinley, aye.

1164 Mr. Kinzinger.

1165 [No response.]

1166 The Clerk. Mr. Griffith.

1167 Mr. Griffith. Aye.

1168 The Clerk. Mr. Griffith, aye.

1169 Mr. Bilirakis.

1170 [No response.]

1171 The Clerk. Mr. Johnson.

1172 Mr. Johnson. Aye.

1173 The Clerk. Mr. Johnson, aye.

1174 Mr. Long.

1175 Mr. Long. Aye.

1176 The Clerk. Mr. Long, aye.

1177 Mr. Bucshon.

1178 Mr. Bucshon. Aye.

1179 The Clerk. Mr. Bucshon, aye.

1180 Mr. Flores.

1181 Mr. Flores. Aye.

1182 The Clerk. Mr. Flores, aye.

1183 Mrs. Brooks.

1184 Mrs. Brooks. Aye.

1185 The Clerk. Mrs. Brooks, aye.

1186 Mr. Mullin.

1187 [No response.]

1188 The Clerk. Mr. Hudson.

1189 [No response.]

1190 The Clerk. Mr. Walberg.
1191 Mr. Walberg. Aye.
1192 The Clerk. Mr. Walberg, aye.
1193 Mr. Carter.
1194 Mr. Carter. Aye.
1195 The Clerk. Mr. Carter votes aye.
1196 Mr. Duncan.
1197 Mr. Duncan. Aye.
1198 The Clerk. Mr. Duncan, aye.
1199 Mr. Gianforte.
1200 Mr. Gianforte. Aye.
1201 The Clerk. Mr. Gianforte, aye.
1202 Mr. Pallone.
1203 The Chairman. Aye.
1204 The Clerk. Mr. Pallone votes aye.
1205 The Chairman. Are there any members who have not been
1206 recorded? We will wait -- oh, Ms. Schakowsky.
1207 Ms. Schakowsky. Aye.
1208 The Clerk. Ms. Schakowsky votes aye.
1209 The Chairman. Mr. Schrader.
1210 Mr. Schrader. Votes aye.
1211 The Clerk. Mr. Schrader votes aye.
1212 The Chairman. Mr. Cardenas.
1213 Mr. Cardenas. Aye.
1214 The Clerk. Mr. Cardenas, aye.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1215 The Chairman. Mr. Tonko.

1216 Mr. Tonko. Votes aye.

1217 The Clerk. Mr. Tonko, aye.

1218 The Chairman. Mr. Shimkus.

1219 Mr. Shimkus. I thought I had voted.

1220 The Clerk. Not recorded, Mr. Chairman.

1221 The Chairman. You are not.

1222 Mr. Shimkus. Aye.

1223 The Chairman. Thank you.

1224 We will wait for Mr. Scalise. Thank you.

1225 Anybody else who is not recorded while we wait?

1226 Mr. Scalise.

1227 Mr. Scalise. Yes.

1228 The Chairman. Mr. Scalise votes aye.

1229 The Clerk. Mr. Scalise, aye.

1230 The Chairman. Thank you. Anyone else who is not recorded
1231 or who we expect and we should wait for? No? All right.

1232 Okay. The clerk will report the tally.

1233 The Clerk. Yes, sir. You have the vote, Mr. Chairman?

1234 The Chairman. Yes.

1235 The Clerk. Mr. Chairman, on that vote the yeas were 47,
1236 the nays were 0.

1237 The Chairman. Okay. Thank you. The vote is 47 ayes to
1238 0 nos, and so H.R. 3375, as amended, is reported to the full House.
1239 All members shall have 2 additional days in which to file

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1240 supplemental additional minority and dissenting views, and the
1241 chair does intend to file the report for the bill with the House
1242 on Friday. Excuse me?

1243 The Clerk. Mr. Chairman, I apologize. Apparently, the
1244 vote was 49 to 0.

1245 The Chairman. All right. So let's change that.

1246 The Clerk. Make that 49.

1247 The Chairman. We will vacate that previous vote, however
1248 that is accomplished, and we will change it to say that the
1249 recorded vote on H.R. 3375, as amended, is in fact 49 ayes to
1250 0 noes. And, again, the bill H.R. 3375, as amended, is reported
1251 to the House with that changed vote. And, again, I said all
1252 members shall have 2 additional days, and the chair intends to
1253 file the report with the House on Friday, this Friday.

1254 So now we are going to move to our second bill. The chair
1255 calls up H.R. 2211, the Stop Tip-Overs of Unstable, Risky Dressers
1256 on Youth Act, or STURDY Act, as forwarded by the Subcommittee
1257 on Consumer Protections and Commerce on July 10. These are the
1258 consumer protection bills, and the clerk will report the title
1259 of the bill.

1260 Can the committee come to order? And, please, both members
1261 and our audience, please try to limit your remarks, so we can
1262 hear each other.

1263 The clerk will report the Bill H.R. 2211, the STURDY Act.

1264 The Clerk. H.R. 2211, a bill to require the Consumer Product

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1265 Safety Commission --

1266 [The Bill H.R. 2211 follows:]

1267

1268 *****INSERT 5*****

1269 The Chairman. Without objection, the first reading of the
1270 bill will be dispensed with, and the bill is now considered as
1271 read, and it is open to amendment at any point. Are there any
1272 members seeking recognition to offer an amendment?

1273 Mrs. Rodgers. Mr. Chairman, I have a bipartisan amendment
1274 at the desk.

1275 The Chairman. Mrs. Rodgers is recognized. What is your
1276 amendment labeled?

1277 Mrs. Rodgers. SLW-0034.

1278 The Chairman. The clerk has that?

1279 The Clerk. Yes, sir.

1280 The Chairman. All right. The clerk will report the
1281 amendment.

1282 The Clerk. Amendment to the committee print to H.R. 2211
1283 offered by Mrs. Rodgers. Page 2, line 9 --

1284 [The Amendment offered by Mrs. Rodgers follows:]

1285

1286 *****INSERT 6*****

1287 The Chairman. Without objection, the reading of the
1288 amendment by Mrs. Rodgers will be dispensed with, and the
1289 gentlewoman is recognized for 5 minutes.

1290 Mrs. Rodgers. Thank you, Mr. Chairman. I offer this
1291 bipartisan amendment with my colleague and chair of the
1292 Subcommittee on Consumer Protection and Commerce, Representative
1293 Schakowsky.

1294 This amendment makes two improvements to the underlying
1295 bill. First, the amendment further aligns the definition of
1296 clothing units, clothing storage units, to reflect the ASTM
1297 definition, and clarifies that the standard coverings -- the
1298 standard covers freestanding furniture.

1299 Second, the amendment clarifies that the tests to be
1300 developed by CPSC are aligned with the CDC growth chart for
1301 6-year-olds.

1302 We received testimony through this process highlighting the
1303 importance of clarity for the agency in developing the standards,
1304 as well as a growing consensus around setting 60 pounds as the
1305 metric. That includes most 6-year-olds susceptible to
1306 tip-over-related incidences.

1307 I am pleased to offer and support this amendment. I thank
1308 the chair for continuing to work with me on this issue. I urge
1309 support for this amendment and yield back.

1310 The Chairman. Thank you, Mrs. Rodgers. And, again, I
1311 appreciate your and Ms. Schakowsky's work on these bills that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1312 protect children.

1313 Ms. Schakowsky, the ranking -- I mean, Chairman Schakowsky
1314 is recognized for 5 minutes.

1315 Ms. Schakowsky. Thank you, Mr. Chairman. I appreciate
1316 Ranking Member Rodgers working with me on this amendment, which
1317 further clarifies the intent of this bill and addresses concerns
1318 we have, as she has stated. We have heard about the
1319 implementation and compliance.

1320 This amendment adopts the ASTM -- A-S-T-M -- standard, which
1321 is really the industry standard -- definition of clothing storage
1322 units and includes additional clarity that the Consumer Product
1323 Safety Commission's safety rule is intended to address tip-over
1324 dangers from freestanding furniture.

1325 It further provides that the testing weight that these
1326 products must withstand is 60 pounds, which turns out to be the
1327 average weight of a 6-year-old child. There have been multiple
1328 fatalities of children over 5, and it makes no sense to only test
1329 up to 5 years old. And because some recent studies suggest that
1330 children are getting heavier, it allows for a higher weight to
1331 be tested if CDC updates its clinical growth charts.

1332 And so I just hope this clarification addresses the concerns
1333 that have been raised by the industry and consumers, and, once
1334 again, I thank the ranking member for working with me in good
1335 faith to resolve these problems. And I yield back.

1336 The Chairman. I thank the chairwoman. Are there any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1337 members seeking recognition to speak on the Rodgers amendment,
1338 on either side? No? All right.

1339 So if there is no further debate, we will proceed to a vote
1340 on the Rodgers amendment.

1341 All those in favor of the amendment will signify by saying
1342 aye.

1343 All those opposed will say no.

1344 In the opinion of the chair, the ayes have it. The amendment
1345 is agreed to.

1346 Are there any further amendments to this bill? Seeing none,
1347 the question now occurs on favorably reporting H.R. 2211, as
1348 amended, to the House.

1349 All those in favor of reporting the bill, as amended, will
1350 signify by saying aye.

1351 All those opposed will say no.

1352 In the opinion of the chair, the ayes have it, and H.R. 2211,
1353 as amended, is reported to the full House.

1354 The next bill -- this is in the series coming from the
1355 Consumer Protection Subcommittee. The next one is H.R. 3172,
1356 the Safe Sleep for Babies Act of 2019, as reported by the
1357 Subcommittee on Consumer Protection and Commerce on July 10.
1358 And the clerk will report the title of the bill.

1359 The Clerk. Committee print to H.R. 3172, a bill to prohibit
1360 the manufacture for sale, offer for sale, distribution in commerce
1361 --

1362

[The Bill H.R. 3172 follows:]

1363

1364

*****INSERT 7*****

1365 The Chairman. Without objection, the first reading of the
1366 bill will be dispensed with, and the bill is now considered as
1367 read and open for amendment. Are there any members who seek --
1368 oh, Mr. Cardenas wants to strike the last word. The gentleman
1369 is recognized for that purpose.

1370 Mr. Cardenas. Thank you. Thank you, Mr. Chairman.
1371 Appreciate the opportunity. Last month I introduced H.R. 3172,
1372 the Safe Sleep for Babies Act, which bans the sale of inclined
1373 sleep products such as the Fisher-Price Rock 'n Play. I
1374 introduced this bill because babies have been dying and that is
1375 unnecessary. It has been going on since 2009. At least 50 babies
1376 have died from these products. These deaths were avoidable.

1377 If companies had decided the safety and lives of babies were
1378 more important than profits, we might not be talking about this
1379 bill right now. If companies had listened to safe sleep
1380 recommendations from experts like the American Academy of
1381 Pediatrics, or NIH, or CDC, this product would not be available
1382 to the public.

1383 There have been a few recalls of inclined sleep products
1384 and accessories since I first spoke on the topic of the dangers
1385 of inclined sleepers just this past April. Fisher-Price recalled
1386 4.7 million of its Rock 'n Play sleepers, and Kids II recalled
1387 694,000 of their inclined sleepers. And I am glad that some
1388 companies have finally stepped up and are taking action, and I
1389 am glad the Consumer Product Safety Commission has finally acted

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1390 to assist with these recalls. But our work here isn't done.
1391 Inclined sleepers, like the Baby Delight, Evenflo, and Hiccapop
1392 are still on the store shelves.

1393 I urge CPSC to get these other inclined sleep products off
1394 the market. Otherwise, CPSC is sending the message that those
1395 products are safe, and that is why they remain on store shelves
1396 while only some have been recalled, because that is not the case
1397 at all.

1398 When grandparents like me walk into a store looking to buy
1399 something to spoil our grandbabies or when people are buying baby
1400 shower gifts online, they assume that baby products are safe and
1401 can be trusted. They shouldn't have to worry that they might
1402 be buying something that could hurt or even kill the child.

1403 We need to help provide that certainty to Americans, and
1404 that is why we need this bill to remove the dangerous products
1405 off the shelves.

1406 I thank the chair and ranking member for holding this markup
1407 and bringing this important bill and others before the committee.

1408 And I thank my colleagues for their support. I hope my
1409 colleagues can feel proud that we are taking much-needed action
1410 to protect babies from these kinds of products and to keep babies
1411 and families safe.

1412 With that, I yield back.

1413 The Chairman. I thank the gentleman. And, again, I
1414 appreciate your efforts in sponsoring this bill. You know, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1415 have to be honest, I think that, you know, when you -- what is
1416 it, when we go to the pearly gates and you are going to have to
1417 say that you sponsored this bill, and then you go to heaven.

1418 I think that is how it works. Not that I know, but in any case.

1419 Does any other member want to strike the last word on this
1420 bill? Okay. Anybody want to offer an amendment to the
1421 legislation? Okay. We don't have any amendments. The question
1422 now occurs on favorably reporting H.R. 3172, as amended, to the
1423 House.

1424 All those in favor of reporting H.R. 3172, as amended --
1425 well, it is not amended; is it? Oh, it is amended from the
1426 subcommittee. Okay.

1427 All those in favor of reporting H.R. 3172, as amended, to
1428 the House will signify by saying aye.

1429 All those opposed will say no.

1430 In the opinion of the chair, the ayes have it, and H.R. 3172,
1431 as amended, is reported to the House.

1432 The next bill we have is H.R. 3170, the Safe Cribs Act of
1433 2019, as forwarded by the Subcommittee on Consumer Products and
1434 Commerce on July 10. The clerk will report the title of the bill.

1435 The Clerk. Committee print to H.R. 3170, a bill to prohibit
1436 the manufacture for sale, offer for sale --

1437 [The Bill H.R. 3170 follows:]

1438

1439 *****INSERT 8*****

1440 The Chairman. Without objection, the first reading of the
1441 bill will be dispensed with, and the bill is now considered as
1442 read and open for amendment. Is this one where we have
1443 amendments? No. All right. Then who would like to speak? Ms.
1444 Schakowsky -- you are the sponsor -- is recognized.

1445 Ms. Schakowsky. Just very, very briefly. This is the
1446 second bill that will make cribs safer for children. I want to
1447 thank Representative Cardenas for his legislation that would
1448 prohibit the sale, et cetera, of inclined sleepers.

1449 And this one would eliminate baby crib bumpers. I think
1450 a lot of people think they are soft and cozy and makes the bed
1451 more comfortable for children. Actually, children have died
1452 because of those. So this would prohibit the sale/distribution
1453 in commerce of these crib bumpers. And I hope we can have the
1454 support on another bill that saves lives.

1455 Thank you. I yield back.

1456 The Chairman. I thank the gentlewoman. Would anyone like
1457 to speak on this on the Republican side? If not, anybody else
1458 want to address this? All right. Then we are going to move to
1459 a vote.

1460 The question now occurs on favorably reporting H.R. 3170,
1461 as amended, to the House.

1462 All those in favor of reporting the bill, as amended, will
1463 signify by saying aye.

1464 All those opposed will say no.

1465 In the opinion of the chair, the ayes have it, and H.R. 3170,
1466 as amended, is reported to the full House.

1467 Next, the chair calls up H.R. 1618, the Nicholas and Zachary
1468 Burt Carbon Monoxide Poisoning Prevention Act of 2019, again,
1469 as forwarded by the Subcommittee on Consumer Protection and
1470 Commerce on July 10. And clerk will report the title of the bill.

1471 The Clerk. Committee print to H.R. 1618, a bill to encourage
1472 states to require the installation of residential carbon monoxide

1473 --

1474 [The Bill H.R. 1618 follows:]

1475

1476 *****INSERT 9*****

1477 The Chairman. Without objection, the first reading of the
1478 bill will be dispensed with, and the bill is now considered as
1479 read and open to amendment. Are we expecting amendments? All
1480 right. No amendments are expected.

1481 Would any sponsor -- yes, Ms. Kuster is recognized for 5
1482 minutes.

1483 Ms. Kuster. Thank you, Mr. Chairman. I move to strike the
1484 last word.

1485 The Chairman. The gentlewoman is recognized.

1486 Ms. Kuster. Thank you, Chairman Pallone, for including my
1487 legislation as part of this markup. As a mother and an aunt,
1488 I know there is nothing more important than keeping our children
1489 and loved ones safe. From a young age, we tell children to look
1490 both ways before crossing the street, to wear a helmet while riding
1491 a bike or skiing, and to avoid talking to strangers.

1492 We go to great lengths to ensure that we protect our children
1493 from the dangers we can see, but there are some threats to their
1494 safety and well-being that can easily go undetected. Carbon
1495 monoxide poison is a stealthy killer. You cannot see it, smell
1496 it, or taste it. This deadly gas claims the lives of over 400
1497 Americans each year and results in over 20,000 emergency room
1498 visits.

1499 Thankfully, we can keep children and our loved ones safe
1500 from carbon monoxide poisoning through education and by
1501 installing alarms in public places and homes. My bipartisan

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1502 legislation, which I was proud to introduce with my friend, Buddy
1503 Carter, does just that by creating a new grant program at the
1504 Consumer Product Safety Commission to support the installation
1505 of carbon monoxide alarms in low-income and elderly housing,
1506 provide training for firefighters to learn how to install alarms,
1507 and invest in educational programs to raise public awareness about
1508 the dangers of carbon monoxide.

1509 This legislation also incentivizes states to strengthen
1510 their own laws and require the installation of alarms in
1511 educational and child care facilities, lodging establishments,
1512 and other high-risk public places. This legislation will help
1513 save lives, and I urge my colleagues to support it. And I yield
1514 back.

1515 The Chairman. I thank the gentlewoman from New Hampshire.

1516

1517 The gentleman from Georgia is recognized.

1518 Mr. Carter. Thank you, Mr. Chairman. I move to strike the
1519 last word. Mr. Chairman, I rise in support of H.R. 1618, the
1520 Nicholas and Zachary Burt Carbon Monoxide Poisoning Prevention
1521 Act that was introduced by my friend from New Hampshire, Ms.
1522 Kuster.

1523 This legislation comes in response to a growing number of
1524 carbon monoxide poisoning and deaths across the country. Each
1525 year nearly 500 people die from carbon monoxide poisoning for
1526 a number of reasons. For instance, we see a rise in carbon

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1527 monoxide poisonings in the wintertime when many people use
1528 alternative methods to heat their homes.

1529 Earlier this year a family in my district was rushed to the
1530 hospital with carbon monoxide poisoning that is similar to these
1531 instances. This legislation would help to chip away at those
1532 numbers. It will create a grant program that will assist states
1533 in helping to install and monitor carbon monoxide detection
1534 systems that will help communities such as the elderly.

1535 This is a simple solution to a difficult problem. I support
1536 the underlying bill, and I urge my colleagues to do the same.
1537 And I yield back.

1538 The Chairman. I thank the gentleman from Georgia.

1539 Any other member want to be recognized on this legislation?

1540 All right. We have no amendments, so we will go right to the
1541 bill being reported.

1542 The question now occurs on favorably reporting H.R. 1618,
1543 as amended, to the House.

1544 All those in favor of reporting H.R. 1618, as amended, will
1545 signify by saying aye.

1546 All those opposed will signify by saying no.

1547 In the opinion of the chair, the ayes have it. And as a
1548 consequence, H.R. 1618, as amended, is reported to the full house.

1549 The next bill, the chair calls up H.R. 806, the Portable
1550 Fuel Container Safety Act of 2019, again as forwarded by the
1551 Subcommittee on Consumer Protection and Commerce on July 10. And

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1552 the clerk will report the title of the bill.

1553 The Clerk. Committee print on H.R. 806, a bill to require
1554 compliant flame mitigation devices to be used on --

1555 [The Bill H.R. 806 follows:]

1556

1557 *****INSERT 10*****

1558 The Chairman. Without objection, the first reading of the
1559 bill will be dispensed with. The bill is now considered as read.

1560 Do we expect any amendments on this? No? Do sponsors -- nobody
1561 wants to speak? All right. Beautiful. Let's go to the vote.

1562 The question now occurs on favorably reporting H.R. 806,
1563 as amended, to the House.

1564 All those in favor of reporting H.R. 806, as amended, will
1565 signify by saying aye.

1566 All those opposed will say no.

1567 In the opinion of the chair, the ayes have it, and H.R. 806,
1568 as amended, is reported to the full House.

1569 Now we go to H.R. 2647, the Safer Occupancy Furniture
1570 Flammability Act, or SOFFA. The clerk will report the title of
1571 that bill.

1572 The Clerk. H.R. 2647, a bill to adopt a certain California
1573 flammability standard as a federal --

1574 [The Bill H.R. 2647 follows:]

1575

1576 *****INSERT 11*****

1577 The Chairman. Without objection, the first reading of the
1578 bill will be dispensed with. The bill is now considered as read.

1579 Are we expecting amendments? No. Ranking member is recognized
1580 --

1581 Mr. Walden. I move to strike the last word.

1582 The Chairman. The gentleman is recognized.

1583 Mr. Walden. Chairman Pallone and Chair Schakowsky, thank
1584 you for your work to get this to a bipartisan markup for the
1585 Consumer Protection and Commerce bills. We appreciate that.

1586 While I agree the policy objectives in H.R. 2647 are
1587 important, I do continue to have concerns on our side of the aisle
1588 with the drafting of the legislation. Uniformity is critical
1589 for manufacturers and retailers who are balancing the previous
1590 calls for flame retardant furniture to address fire hazards with
1591 the increasingly unmanageable patchwork of state laws.

1592 The bill sets a state technical bulletin as a federal safety
1593 standard, which is an unprecedented approach to achieve
1594 uniformity. We are still learning about the specific concerns
1595 that have been raised by CPSC about their ability to even enforce
1596 the bill as it is currently drafted.

1597 So I am committed to working with you, our side is, and the
1598 rest of our colleagues, on this bill moving forward. But we hope
1599 we can find a solution before the bill is considered on the House
1600 floor.

1601 The Chairman. Will the gentleman yield?

1602 Mr. Walden. Certainly.

1603 The Chairman. I thank the ranking member for raising these
1604 issues. I know you share my desire to keep children,
1605 firefighters, and others safe from exposure to toxic chemicals,
1606 and I commit to working with you as we move to the floor to see
1607 if we can address your concerns.

1608 Mr. Walden. Thank you, Mr. Chairman. I appreciate that.

1609 Finally, Mr. Chairman, if I could, I would just like to
1610 recognize, this is the -- for all of the members, this is the
1611 final Energy and Commerce markup for Melissa, our counsel on this
1612 subcommittee.

1613 [Applause.]

1614 Mr. Walden. She has served as the chief counsel on the
1615 Consumer Protection and Commerce Subcommittee the last 2 years.
1616 She has been an invaluable member of our team, as anybody who
1617 has worked with her knows, for more than 5 years, and in that
1618 time has dedicated herself to public policy that addresses real
1619 problems for Americans, whether it was paving the way for
1620 self-driving vehicles, protecting the privacy and personal data
1621 of Americans, or strengthening product safety for consumers.
1622 A lot of the work we have put together out of this committee over
1623 the last number of years has resulted because of her diligent
1624 work in many of these areas.

1625 So while we will certainly miss Melissa, as she embarks on
1626 her next adventure, we know her future is bright. We thank you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1627 for your service, not only to this committee but also to this
1628 great country of ours. And so, Melissa, thank you.

1629 [Applause.]

1630 The Chairman. We also want to thank you, Melissa, as well.
1631 Thanks for all that you have done.

1632 No amendments. Any other members who would like to speak
1633 on this bill? Seeing none --

1634 Mrs. Rodgers. Mr. Chairman? Mr. Chairman?

1635 The Chairman. Yes. Mrs. Rodgers.

1636 Mrs. Rodgers. I just want to say all the best to Melissa,
1637 too. I mean, she only lasted with me I guess 7 months, and then
1638 she was like, okay, I am out of here.

1639 [Laughter.]

1640 Mr. Walden. Two years with me. How many with you, Fred?

1641 [Laughter.]

1642 Mrs. Rodgers. But she was extraordinary, and I just want
1643 to say job well done. You shepherded through many of these bills
1644 that we just got passed in a bipartisan way, and wish you all
1645 the best. Thank you very much.

1646 The Chairman. Thank you. I see Mr. Latta's hand is up.

1647 Mr. Latta. Thank you, Mr. Chairman. Just a point of
1648 personal privilege. I also want to thank Melissa, because I tell
1649 you, in the last Congress, all the different bills that she worked
1650 on in the subcommittee with me, but also just to point out on
1651 the autonomous vehicle legislation, the subcommittee had over

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1652 300 meetings that they worked on, and working with both sides
1653 of the aisle.

1654 So I just want to wish her all the best as she goes on to
1655 bigger and brighter things, but we are going to miss you.

1656 The Chairman. Thank you. Anyone else want to comment?

1657 Yes, gentleman, Mr. Griffith.

1658 Mr. Griffith. Thank you, Mr. Chairman. I do want to thank
1659 Ms. Matsui. We have worked on this issue for a number of years,
1660 and I appreciate her work on that and her working with me on that
1661 as well. And while I know there are some concerns, I also want
1662 to make sure I thank you, Mr. Chairman, and Ranking Members Walden
1663 and Rodgers, for continuing to work on it, because I am hopeful
1664 that we can get the language worked out. We all have the policy
1665 in agreement, and it is harder to craft than one might expect.

1666 And, with that, I will yield to the gentlelady, if I might,
1667 Mr. Chairman.

1668 Ms. Matsui. Thank you very much, my good partner. We do
1669 have some additional things to do, but it is good policy and will
1670 certainly take care of it. I really appreciate working with you
1671 and the members of the committee, and also the chairman and the
1672 ranking member, and we will move forward with this and hopefully
1673 get this through.

1674 Thank you. I yield back to you.

1675 The Chairman. Mr. Griffith yields back. Anyone else want
1676 to comment on this bill? If not, we are going to go to move the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1677 bill to the House. The question now occurs on favorably reporting
1678 H.R. 2647 to the House.

1679 All those in favor of reporting the bill to the House will
1680 signify by saying aye.

1681 All those opposed will say no.

1682 In the opinion of the chair the ayes have it and H.R. 2647
1683 is reported to the full House.

1684 Next -- oh, now we are going to go to bills from the Energy
1685 Subcommittee. The chair calls up H.R. 1315, the Blue Collar to
1686 Green Collar Jobs Development Act of 2019.

1687 [The Bill H.R. 1315 follows:]

1688

1689 *****INSERT 12*****

1690 The Chairman. This is one of the Energy Subcommittee bills
1691 and the clerk will report the title of the bill.

1692 The Clerk. H.R. 1315, a bill to amend Title II of the
1693 Department of Energy Organization Act to reauthorize --

1694 The Chairman. Without objection, the first reading of the
1695 bill will be dispensed with. The bill is now considered as read.

1696 Do we have amendments to this?

1697 All right, so we do have an amendment in the nature of a
1698 substitute from Mr. Rush, and I would recognize Mr. Rush to offer
1699 his amendment. What is it labeled?

1700 [The Amendment offered by Mr. Rush follows:]

1701

1702 *****INSERT 13*****

1703 Mr. Rush. I want to thank you, Mr. Chairman.

1704 The Chairman. The bill is labeled Rush 047. Does the clerk
1705 have that?

1706 The Clerk. Yes, sir.

1707 The Chairman. The clerk will report the amendment.

1708 The Clerk. Amendment in the nature of a substitute to H.R.
1709 1315 offered by Mr. Rush of Illinois.

1710 The Chairman. Without objection, the reading of the
1711 amendment will be dispensed with, and now Mr. Rush is recognized
1712 for 5 minutes in support of his amendment. I mean, yes, in support
1713 of his amendment.

1714 Mr. Rush. I want to thank you, Mr. Chairman. Simply put,
1715 H.R. 1315 is a jobs bill designed to target and train underserved
1716 communities for the energy jobs and careers of the present and
1717 the future.

1718 Mr. Chairman, I, first of all, want to thank Ranking Member
1719 Upton and his fine staff for negotiating in good faith with my
1720 offices over the last few months to bring forth a bill that now
1721 enjoys widespread bipartisan support. And I also acknowledge
1722 the leadership of Mr. Hudson and his staff for working with my
1723 office on this bill, for being the lead Republican co-sponsor
1724 on the bill, both today and in previous Congresses.

1725 Mr. Chairman, the Green and Blue Collar Jobs Act will
1726 establish a comprehensive, nationwide energy sector workforce
1727 development program to improve education and training for jobs

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1728 in energy-related industries. Among other things, it encourages
1729 underrepresented groups including religious and ethnic
1730 minorities, women, veterans, individuals with disabilities,
1731 socioeconomically disadvantaged individuals, unemployed energy
1732 workers, and returning citizens to enter into the science,
1733 technology, engineering, and mathematics or STEM fields.

1734 The bill also requires DOE to provide direct assistance in
1735 the form of financial assistance awards and technical expertise
1736 to minority-serving institution, workforce development boards,
1737 nonprofits, labor organizations, and apprenticeship programs to
1738 help train these targeted candidates. In addition, H.R. 1315
1739 establishes a grant program to provide assistance to these
1740 underserved applicants as they go through training in the
1741 renewable energy efficiency grid modernization, carbon capture
1742 and storage, nuclear cybersecurity, alternative energy, advanced
1743 automotive technologies, and fuel cell generation sectors.

1744 Mr. Chairman, this bill is a perfect example of what members
1745 of this committee can accomplish when we put politics aside, put
1746 our minds together, and we get to work on behalf of the American
1747 people. And I want to thank, Mr. Chairman, the minority side,
1748 for working with my office in good faith. And with that I yield
1749 back.

1750 The Chairman. Would the gentleman yield to me just for --
1751 Mr. Rush. I want to yield to you.

1752 The Chairman. -- a short period of time? I just want to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1753 thank you. I know you are always out front in trying to address
1754 these workforce issues. And particularly when we look at jobs
1755 for the future, I never think that the government is doing enough
1756 to train people.

1757 You know, I always get mad when I see all these companies
1758 that will, you know, say, "Oh, well, I can't find an American
1759 to do the job, so I have to go overseas," and, you know, they
1760 have to certify that there is no American that can do the job.

1761 And I know that may be true in certain cases. I am not saying
1762 it is never true, but I am always suspect of it because I know
1763 there is so many people right here in this country that if they
1764 had the proper training would be able to do the jobs that, you
1765 know, some of the companies will say they can't find anybody.

1766 And so I think the government has an obligation to try to
1767 make a difference for, you know, when we are going into new,
1768 innovative fields because this is the committee of innovation
1769 and we should do our best to try to prepare people for jobs of
1770 the future in this innovative economy that we are always working
1771 to create.

1772 So I just want to thank the gentleman and also Mr. Upton
1773 and Congressman Hudson for coming together in a bipartisan fashion
1774 to draft this important bill.

1775 Mr. Rush. Mr. Chairman, with that I want to yield to my
1776 ranking member, my good friend Mr. Upton, the balance of my time.

1777 Mr. Upton. Well, thank you, Mr. Chairman. I want to just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1778 follow up on what Chairman Pallone indicated. We really
1779 appreciate both sides working together. I know Richard Hudson
1780 is not able to be here today. He is the lead co-sponsor of the
1781 Energy Workforce bill. But I wanted to thank him and you for
1782 working on the manager's amendment.

1783 This amendment, I wanted to let all my colleagues know,
1784 reflects our efforts to ensure that the bill is fully inclusive
1785 of all those who are underrepresented in the energy industry,
1786 and certainly our veterans. The amendment also ensures that the
1787 bill is all of the above, supporting jobs across a wide range
1788 of energy industries.

1789 It is a great bill which I am pleased to co-sponsor myself.
1790 I look forward to working with the majority and the minority
1791 to get it through not only today in full committee, but also on
1792 the House floor and ultimately to the President's desk and signed
1793 into law. And again, appreciate your willingness to work with
1794 us again on an important issue that is dear to our hearts. And
1795 I yield back.

1796 The Chairman. Does Mr. Rush yield back?

1797 Mr. Rush. I yield back the balance of my time, Mr. Chairman.

1798 The Chairman. All right. I guess, is there any further
1799 discussion on Mr. Rush's amendment?

1800 Okay, if not, we will move to a vote on the amendment in
1801 the nature of a substitute introduced by Mr. Rush.

1802 All those in favor of the amendment in the nature of a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1803 substitute to H.R. 1315 will signify by saying aye.

1804 All those opposed will say no.

1805 In the opinion of the chair the ayes have it and the amendment
1806 in the nature of a substitute to H.R. 1315 is agreed to.

1807 Are there any other amendments? We are not expecting any,
1808 so we will go to reporting the bill to the House. The question
1809 now occurs on agreeing to the measure H.R. 1315, as amended.

1810 All those in favor of agreeing to H.R. 1315, as amended,
1811 will signify by saying aye.

1812 All those opposed will say no.

1813 In the opinion of the chair the ayes have it and H.R. 1315,
1814 as amended, is reported to the full House.

1815 And now we have another in the series of Energy Subcommittee
1816 bills. The chair calls up H.R. 2665, the Smart Energy and Water
1817 Efficiency Act of 2019, and the clerk will report the title of
1818 the bill.

1819 [The Bill H.R. 2665 follows:]

1820

1821 *****INSERT 14*****

1822 The Clerk. H.R. 2665, a bill to direct the Secretary of
1823 Energy to establish a smart energy and water efficiency program
1824 and for other purposes.

1825 The Chairman. Without objection, the first reading of the
1826 bill will be dispensed with. The bill is now considered as read.

1827 Expecting any amendments -- yes, Mr. Griffith is recognized.

1828 Mr. Griffith. Mr. Chairman, I have an amendment at the desk.

1829 [The Amendment offered by Mr. Griffith follows:]

1830

1831 *****INSERT 15*****

1832 The Chairman. Does the clerk have --

1833 The Clerk. Yes, sir.

1834 Mr. Griffith. Griffith, Griff Virginia 30. Got it.

1835 The Clerk. Amendment to H.R. 2665, offered by Mr. Griffith
1836 of Virginia. Page 4, beginning on line 3, strike --

1837 The Chairman. Without objection, the reading of the
1838 Griffith amendment will be dispensed with and Mr. Griffith is
1839 recognized for 5 minutes in support of his amendment.

1840 Mr. Griffith. Thank you, Mr. Chairman. When we were
1841 discussing this bill in subcommittee I realized that there might
1842 be something that we could do to tweak it because I have been
1843 talking to some folks at Virginia Tech who have been working on
1844 pipes and the soil samples around them and new technologies in
1845 that regard, and so went and asked Mr. McNerney and he said fine.

1846 And so I want to thank Mr. McNerney and Mr. Kinzinger for
1847 accepting this small change to the underlying bill. It was
1848 crafted with the help of the folks at Virginia Tech, which is
1849 in my district, so that we make sure we are getting things going
1850 on. They are doing great work in discovering innovative
1851 technology-based solutions to increase the efficiency of our
1852 water and wastewater systems.

1853 And I appreciate the sponsors' and the chairman's support
1854 on this amendment which they think -- it is technical and
1855 clarifying. It just makes it so that there is more opportunities
1856 and so that when the new technologies come along we don't have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1857 to come back in and pass another bill. And with that I yield
1858 back.

1859 The Chairman. I thank the gentleman from Virginia for
1860 offering the amendment. I am pleased to accept it. Is there
1861 any other member who seeks recognition on the Griffith amendment?

1862 All right, then we are going to -- someone else wants to
1863 speak now?

1864 Mr. McNerney. I want to speak on the underlying bill.

1865 The Chairman. You want to speak on the underlying. All
1866 right, well, let's do the amendment first and then we will --
1867 all right, if there is no further debate on the Griffith amendment,
1868 we will proceed to a vote.

1869 All those in favor of the amendment will signify by saying
1870 aye.

1871 All those opposed will say no.

1872 In the opinion of the chair the ayes have it and the Griffith
1873 amendment is agreed to.

1874 Is that the only amendment? All right, then we will go to
1875 the underlying bill and Mr. McNerney wants to strike the last
1876 word on the underlying bill. The gentleman is recognized. Did
1877 I say your name wrong again? I am sorry. All right, let me get
1878 it right. McNerney, right? I keep saying it wrong?

1879 Mr. McNerney. All right, thank you, Mr. Chairman.

1880 The Chairman. It is my New Jersey accent.

1881 Mr. McNerney. It could be.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1882 The Chairman. Maybe.

1883 Mr. McNerney. Well, you know, we are always looking for
1884 ways to improve energy efficiency. Water is one of the big
1885 opportunities we have. There is a huge nexus between water and
1886 energy and anything we can do to increase efficiency with water
1887 will save energy, and anything we can do to improve energy will
1888 save water costs as well.

1889 So, I thank my colleague Mr. Kinzinger for working with me
1890 on this issue and I thank Mr. Griffith for his attempt to approve
1891 it, so we are all working together for the same thing. This bill
1892 aims to create an innovative water and energy resource management
1893 pilot program. Specifically, the bill will direct the Secretary
1894 of Energy to create a new federal pilot program to demonstrate
1895 innovative technology to increase and improve the efficiency of
1896 water, wastewater, and water reuse systems.

1897 It would also support the implementation of automated
1898 systems that provide real-time data on energy and water and assist
1899 in improving energy and water conservation, water quality, and
1900 predictive maintenance of energy and water systems through the
1901 use of internet-connected technologies. It is imperative that
1902 we update our water infrastructure to ensure a sustainable water
1903 future for our country. Folks, we are a long ways from that.
1904 We need a lot of work to do. This bipartisan piece puts us on
1905 the right path. I urge my fellow members to support this bill.

1906 And I am going to yield the balance of my time to my colleague,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1907 Mr. Kinzinger.

1908 Mr. Kinzinger. Well, I thank the gentleman. And if you
1909 get something outrageous done to you, then to turn around and
1910 do an outrage like call me Kinzinger, when it is Kinzinger, I
1911 will forgive it, Mr. Mac. So I want to thank my friend, Jerry
1912 Mac, for working with me on this legislation. The bill
1913 would establish a pilot program to demonstrate technology-based
1914 solutions to increase the energy efficiency of water, wastewater,
1915 and water reuse systems, and we were able to work together to
1916 craft this new bill in a way that it would not require any new
1917 funding. So I am proud of this committee's bipartisan approach
1918 to enacting energy efficiency legislation and I certainly hope
1919 it continues.

1920 So again, I urge my colleagues to support this legislation.
1921 I thank my friend Mr. McNerney and with that I yield back to
1922 him.

1923 Mr. McNerney. Well, I already yielded the balance of my
1924 time, so I am going to --

1925 The Chairman. Is Mr. McNerney yielding back?

1926 Mr. McNerney. -- yield back to the Chair.

1927 The Chairman. All right. Now, I am going to do this three
1928 times -- McNerney, McNerney, McNerney, Kinzinger, Kinzinger.

1929 Mr. Walden. Kinzinger.

1930 The Chairman. Kinzinger, like a zing. All right.

1931 Kinzinger, Kinzinger, Kinzinger, and McNerney. All right, I am

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1932 trying.

1933 [Laughter.]

1934 The Chairman. I am sorry.

1935 Anybody else want to speak on this bill?

1936 All right, so the question now occurs on favorably reporting

1937 H.R. 2665, as amended, to the House.

1938 All those in favor of reporting H.R. 2665, as amended, to

1939 the House will signify by saying aye.

1940 All those opposed will say no.

1941 In the opinion of the chair the ayes have it and H.R. 2665,

1942 as amended, is reported to the full House.

1943 We have another energy bill. The chair calls up H.R. 2044,

1944 the Smart Building Acceleration Act.

1945 [The Bill H.R. 2044 follows:]

1946

1947 *****INSERT 16*****

1948 The Chairman. The clerk will report the title of the bill.

1949 The Clerk. H.R. 2044, a bill to accelerate small building
1950 development and for other purposes.

1951 The Chairman. Without objection, the first reading of the
1952 bill will be dispensed with and the bill is now considered as
1953 read. We have amendments.

1954 Do you want to strike the last word?

1955 Mr. Welch. I want to talk on the bill.

1956 The Chairman. All right, do we have any amendments?

1957 Okay, no amendments. The gentleman from Vermont is
1958 recognized on the underlying bill.

1959 Mr. Welch. I thank Chairman Pallone for the recognition.

1960 Mr. Chairman, the building sector uses about 40 percent of the
1961 energy in the nation. It has been incredibly challenging to
1962 increase energy efficiency in this sector for two reasons.

1963 First, buildings are designed to stand for decades and
1964 individual owners have very little incentive to make energy
1965 efficiency improvements that yield benefits beyond their
1966 short-term ownership. And then, secondly, builders and building
1967 owners usually do pass the cost of the energy bill onto their
1968 consumers or their tenants, so the owners have little incentive
1969 to make the energy efficiency improvements to reduce costs. What
1970 is happening with new technology, monitoring and control systems
1971 are enabling a transition of the building sector to smart
1972 buildings that have dramatically reduced energy use and improved

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1973 the quality of service to the occupants.

1974 But despite the benefits of this technology, market
1975 awareness of smart buildings and adoption of these technologies
1976 is in its very early stages and we have got to do more to accelerate
1977 this program. The federal government, incidentally, owns about
1978 400,000 buildings making it the largest landlord in the U.S.,
1979 and it is uniquely positioned to study these questions and support
1980 the transition to more energy-efficient smart buildings. And
1981 the purpose of my bill with Mr. Kinzinger is to accelerate that
1982 transition by supporting research and by documenting the cost
1983 and benefits of emerging technologies in private sector and
1984 federal government buildings.

1985 Specifically, our bill requires the Secretary of Energy to
1986 conduct a survey of privately-owned smart buildings, evaluate
1987 which advanced building technologies in use are most
1988 cost-effective, and establish an initiative at DOE to test the
1989 benefits of this technology in federal facilities. And the bill
1990 will improve the efficiency of our nation's buildings.

1991 I thank Mr. Kinzinger, of course, for his efforts and
1992 leadership on this bill and I encourage all of our colleagues
1993 to support it. I yield the balance -- I yield back, or I yield
1994 to Mr. Kinzinger.

1995 Mr. Kinzinger. Thank you. And I thank the gentleman so
1996 much for his time and his work and he is a good friend, and I
1997 thank you for your continued work on this and other legislation.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1998 This isn't the first time we have introduced this bill together,
1999 but hopefully it will be the last as we would really like to get
2000 this over the finish line during this Congress and we have come
2001 close a number of times.

2002 As my friend mentioned, this bill would accelerate the
2003 adoption of smart building technologies in the private sector
2004 and in key federal agencies including the Department of Defense,
2005 the Department of Energy to the Department of Veteran Affairs,
2006 and the General Services Administration. And even better, this
2007 would come at no cost to taxpayers; in fact, long-term savings.

2008 When opportunities come along to promote energy efficiency
2009 and innovation at with little or no cost to the Treasury, we cannot
2010 let them pass us by. I urge my colleagues to support this
2011 legislation and I yield back to the gentleman from Vermont.

2012 The Chairman. Okay, we thank Mr. Welch and Mr. Kinzinger.
2013 I got it right. Mr. Griffith is recognized.

2014 Mr. Griffith. Strike the last word, Mr. Chairman.

2015 Thank you, Mr. Chairman. I appreciate it. The reason that
2016 the chairman thought there might be an amendment is I was working
2017 on an amendment that would piggyback on this bill that would,
2018 as long as we are working on smart buildings, would also make
2019 the buildings smart in a way that would protect so many of our
2020 birds, songbirds in particular. Estimates, which is just
2021 staggering, estimates are that up to a billion birds a year die
2022 flying into buildings. The numbers really are staggering. The

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2023 lowest number is a hundred million and it goes up from there
2024 depending on which estimates you believe.

2025 I believe that would make it a smart building as well to
2026 make sure that when we are building new buildings or we are
2027 renovating, substantially, buildings that we put in what is really
2028 fairly cheap technology into the window that makes it so that
2029 the birds can actually say, "Wait a minute, that is not a place
2030 to fly. That is a barrier." And some of the technology may even
2031 be energy efficient because there is some ultraviolet things that
2032 you can do that humans don't see, but the birds do.

2033 So we are working on language. The other side of the aisle
2034 indicated that they wanted to try and tweak it a little bit.
2035 I was sliding it into the definition of smart buildings. I
2036 appreciate that help. I think, again, like we talked earlier
2037 on some other bills, this is one of those issues where I think
2038 we are all in agreement. We all want to do what we can and we
2039 will work forward and hopefully by the time this gets to the floor
2040 we will have language that everybody can agree on.

2041 But I appreciate the bill and I appreciate the opportunity
2042 to perhaps make it just a little bit better in a direction that
2043 will make the buildings smarter by protecting or at least giving
2044 the birds an opportunity to recognize that is not a safe space
2045 to fly in. And --

2046 Mr. Welch. Will the gentleman yield?

2047 Mr. Griffith. I will yield.

2048 Mr. Welch. Well, I mean you are totally right. That is
2049 an incredible problem and we have got to address it. I am not
2050 sure we can do it on the fly, so to speak, so we will work with
2051 you to do that.

2052 [Laughter.]

2053 Mr. Welch. No, you know, this is a huge problem. And Mr.
2054 Griffith, thank you for so much for, you know, bringing this to
2055 our attention, because we should be addressing that. Thank you.
2056 I yield back.

2057 The Chairman. Will the gentleman yield to me?

2058 Mr. Griffith. I will yield to the gentleman from New Jersey.

2059 The Chairman. Thank you. I want to support Mr. Griffith's
2060 efforts to protect and preserve our bird population because
2061 identifying and promoting energy-efficient smart buildings is
2062 an important task for the government to perform, but identifying
2063 and promoting bird-safe buildings is also an important goal.

2064 And I know the gentleman considered offering an amendment
2065 on this issue and I appreciate his willingness to withhold
2066 offering the amendment at this time, and I commit to working with
2067 him to try to achieve his goals of having buildings constructed
2068 in a way that is safer for birds. And I yield back to the
2069 gentleman.

2070 Mr. Griffith. I thank you, Mr. Chairman. I would just say
2071 that, you know, I read one article that said don't blame the cats.
2072 It is the buildings that are wiping out so many of our songbirds

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2073 and making it harder for them to survive. Anyway, I yield back.

2074 Thank you.

2075 The Chairman. Does anyone else -- so we don't have an
2076 amendment in front of us. Does anyone else want to speak on the
2077 underlying bill? If not, we will proceed. The question now
2078 occurs on favorably reporting H.R. 2044 to the House.

2079 All those in favor of reporting H.R. 2044 to the House will
2080 signify by saying aye.

2081 All those opposed will say no.

2082 In the opinion of the chair the ayes have it and H.R. 2044
2083 is reported to the full House.

2084 We now have another energy bill from the Energy Subcommittee.
2085 The chair calls up H.R. 359, the Enhancing Grid Security through
2086 Public-Private Partnerships Act.

2087 [The Bill H.R. 359 follows:]

2088

2089 *****INSERT 17*****

2090 The Chairman. And the clerk will report the title of the
2091 bill.

2092 The Clerk. H.R. 359, a bill to provide for certain programs
2093 and development in the Department of Energy concerning the
2094 cybersecurity and vulnerability of --

2095 The Chairman. Without objection, the first reading of the
2096 bill will be dispensed with. It is now considered as read. Do
2097 we expect an amendment on this? No.

2098 Would anybody like to speak on the underlying bill?

2099 Mr. McNerney?

2100 Mr. McNerney. Mr. Chairman, I move to strike the last word.

2101 The Chairman. The gentleman is recognized.

2102 Mr. McNerney. Thank you. In today's cyber environment it
2103 is more important than ever that Congress pursues policies to
2104 continue to support our grid infrastructure and secure it against
2105 potential physical and cyber threats. This is an issue I am very
2106 passionate about. Any vulnerable component is a threat to our
2107 physical and national security, making it imperative that we
2108 invest in grid modernization and security. That is why I am
2109 proud to co-chair this bipartisan Grid Innovation Caucus with
2110 my co-chair of the Grid Innovation Caucus, Mr. Latta of Ohio.
2111 Together, we focused on providing a forum for discussing
2112 solutions to the many challenges facing the grid and to educate
2113 Members of Congress and staff about the importance of the electric
2114 grid with relation to the economy, energy security, and advanced

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2115 technologies being utilized to enhance grid capabilities.

2116 The bill, which I have introduced along with Mr. Latta,
2117 assists us in this effort to bolster America's electrical
2118 infrastructure by encouraging coordination between the
2119 Department of Energy and the electric utilities. It accomplishes
2120 this by creating a program to enhance physical and cybersecurity
2121 of electric utilities through assessing security
2122 vulnerabilities, increasing cybersecurity training, and data
2123 collection.

2124 My bill would also require the Interruption Cost Estimate
2125 Calculator, which is used to estimate and calculate the return
2126 on investment on utility investments, to be updated at least every
2127 2 years instead of a longer period that it is now. This will
2128 ensure more accurate calculations. So with that I am going to
2129 yield to my colleague Mr. Latta.

2130 Mr. Latta. Well, I appreciate the gentleman for yielding.
2131 And, first, I want to thank the gentleman for all of his hard
2132 work. I know that the two of us worked on multiple pieces of
2133 legislation and also with the caucuses that we both chair.

2134 So I really appreciate your hard work on H.R. 359 and the
2135 two of us working on this because, again as you mentioned, in
2136 this day of cybersecurity threats this is going to help foster
2137 the public-private partnerships that we have to do to make sure
2138 that we have the cybersecurity for our grid. So with that, Mr.
2139 Chairman, I yield back to my friend.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2140 The Chairman. Will the gentleman yield to me?

2141 Mr. McNerney. I will yield to The Chairman.

2142 The Chairman. I just wanted to say a few words about the
2143 importance of these bills. We have four cybersecurity bills.

2144 This is the first of them that address the cyber and physical
2145 security of our energy infrastructure and each one of these bills
2146 is completely nonpartisan and offers prudent steps we can take
2147 to protect our nation's energy infrastructure.

2148 It is important, because members of the committee need to
2149 act in a unified manner if we are going to be successful in our
2150 efforts to understand, prevent, and mitigate security threats
2151 to the energy sector. In addition to Chairman Rush, I want to
2152 thank the bill's sponsors and also Ranking Members Walden and
2153 Upton for their work on all four bills, each of which reinforces
2154 the idea that the Department of Energy possesses the necessary
2155 expertise to address these issues. So I look forward to
2156 moving these bills today through the House and obviously,
2157 ultimately, to the Senate and to the President. And now I yield
2158 back to Mr. McNerney.

2159 Mr. McNerney. Mr. Chairman, I yield back the balance of
2160 my time.

2161 The Chairman. I thank the gentleman.

2162 Does anyone else want to discuss Mr. McNerney's bill?

2163 All right, and so we will proceed to a vote. The question
2164 now occurs on favorably reporting H.R. 359 to the House.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2165 All those in favor of reporting H.R. 359 to the House will
2166 signify by saying aye.

2167 All those opposed will say no.

2168 In the opinion of the chair the ayes have it and H.R. 359
2169 is reported to the House.

2170 The second of these cyber bills is H.R. 360, the Cyber Sense
2171 Act of 2019.

2172 [The Bill H.R. 360 follows:]

2173

2174 *****INSERT 18*****

2175 The Chairman. The clerk will report the title of the bill.

2176 The Clerk. H.R. 360, a bill to require the Secretary of
2177 Energy to establish a voluntary cyber sense program to test
2178 cybersecurity.

2179 The Chairman. Without objection, the first reading of the
2180 bill will be dispensed with. The bill is considered as read.

2181 Do we expect any amendments? No. Sponsors would like to
2182 address -- Mr. Latta is recognized.

2183 Mr. Latta. Thank you, Mr. Chairman. Strike the last word.

2184 The Chairman. The gentleman is recognized for 5 minutes.

2185 Mr. Latta. Well, thank you very much, Mr. Chairman. I will
2186 not use that 5 minutes. But this is the second of the two
2187 bipartisan bills that the gentleman from California and I have
2188 introduced and worked on to improve the resiliency of our nation's
2189 energy grid against cyber-attacks. And I want to thank the
2190 chairman and the ranking member for holding today's markup to
2191 get these important bills passed by the House and over to the
2192 Senate to make sure that we are doing all we can to avoid
2193 cyber-attacks in this country.

2194 And with that, Mr. Chairman --

2195 The Chairman. The gentleman --

2196 Mr. Latta. -- would my friend like -- I yield to my friend
2197 from California.

2198 Mr. McNerney. Well, I thank my friend from Ohio and it is
2199 a pleasure to work with you on this one and I would like to see

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2200 this move forward. As we mentioned before, cybersecurity is
2201 beginning to be -- it is becoming a big issue. We need to make
2202 sure that we have protections in our grid and other of our critical
2203 infrastructure.

2204 This bill makes important headway in protecting our critical
2205 grid infrastructure. The Cyber Sense Act would create a program
2206 to identify cyber secure products for the bulk power grid through
2207 a testing and verification program. That way we will have
2208 confidence that the parts we are using in our grid are secure.

2209 The bulk power system supports American industry and provides
2210 all the benefits of reliable electric power that the American
2211 people have come to rely upon.

2212 It is an essential fact that we make this system as secure
2213 as possible as cyber-attacks do pose a serious threat to our
2214 electric grid. We know that other countries' state actors are
2215 planning attacks on our grid, so we need to be as secure as we
2216 can. Any vulnerable component in our grid is a threat to our
2217 security and this bill will go a long way to strengthening that
2218 system.

2219 Again, I want to thank Mr. Latta for his partnership in our
2220 efforts to co-chair the bipartisan Grid Innovation Caucus and
2221 look forward to continuing to work to ensure a more secure and
2222 resilient grid, and I yield back to my friend from Ohio.

2223 Mr. Latta. And I yield back, Mr. Chairman.

2224 The Chairman. I thank the gentleman.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2225 Anyone else would like to speak on the Latta bill,
2226 Latta-McNerney bill? Okay, we are going to proceed to the vote.
2227 The question now occurs on favorably reporting H.R. 360 to the
2228 House.

2229 All those in favor of reporting the bill to the House will
2230 signify by saying aye.

2231 All those opposed will say no.

2232 In the opinion of the chair the ayes have it and H.R. 360
2233 is reported to the full House.

2234 And now we go to the third cyber bill. The chair calls up
2235 H.R. 362, the Energy Emergency Leadership Act.

2236 [The Bill H.R. 362 follows:]

2237

2238 *****INSERT 19*****

2239 The Chairman. The clerk will report the title of the bill.

2240 The Clerk. H.R. 362, a bill to amend the Department of
2241 Energy Organization Act with respect to --

2242 The Chairman. Without objection, the first reading of the
2243 bill will be dispensed with. The bill is considered as read.

2244 Do we have an amendment to this? No. Any sponsor want to speak
2245 on this?

2246 Mr. Rush?

2247 Mr. Rush. Mr. Chairman.

2248 The Chairman. Recognized for 5 minutes.

2249 Mr. Rush. Mr. Chairman, I strongly support all four of the
2250 cybersecurity bills that are before us today. And each of them
2251 will help to address one of the most pressing issues we face,
2252 protecting our energy grid from those who might wish to do us
2253 harm. I would like to commend all of the sponsors and co-sponsors
2254 of these four cybersecurity bills that are being marked up today
2255 for their thoughtful attention to this critical issue.

2256 Mr. Chairman, I want to specifically acknowledge Mr. Walberg
2257 of Michigan for working with my office on the Energy Emergency
2258 Leadership Act. As you know, Mr. Chairman, this bill will
2259 establish a new DOE assistant secretary position with
2260 jurisdiction over all energy emergency and security functions
2261 relating to energy supply, infrastructure, and cybersecurity.

2262 With all of the focus on protecting our electric infrastructure,
2263 I believe that it is fitting and appropriate to elevate the person

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2264 responsible for this task up to the assistant secretary level
2265 at the Department.

2266 Mr. Chairman, this bill would also authorize the new
2267 assistant secretary to provide DOE technical assistance as well
2268 as support and response capabilities with respect to energy
2269 security risks to state, local, or tribal governments under
2270 request. Mr. Chairman, this bill will go a long way in helping
2271 to take the nation's energy infrastructure from hackers who would
2272 attempt to disrupt our energy grid and cause untold harm to our
2273 economy, our daily lives, and to our overall national security.

2274 So I urge all of my colleagues to support this bipartisan
2275 bill. And with that, Mr. Chairman, I want to yield the balance
2276 of my time to my friend from Michigan, Mr. Walberg.

2277 Mr. Walberg. I thank the gentleman and thank you, Mr.
2278 Chairman. As we all know, there is nothing more important than
2279 the security and integrity of our energy infrastructure. I
2280 commend the chairman for bringing up these bipartisan bills which
2281 all highlight the critical role of Department of Energy as the
2282 sector-specific agency for cybersecurity over the energy sector.

2283 Secretary Perry has taken leadership by establishing the Office
2284 of Cybersecurity, Energy Security, and Emergency Response, CESER,
2285 at the Department to spearhead these efforts.

2286 As a sector-specific agency responsible for the bulk power
2287 system, the Department of Energy must be empowered to deal with
2288 the attacks our utilities face on a daily basis. Also critical

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2289 to CESER's mission is energy security. Just this past weekend,
2290 a significant portion of New York City experienced a brief power
2291 outage. This office is critical for leading the interagency
2292 communication and response plans during these types of events.

2293 As such, we must elevate this important function into the
2294 Department's core mission and make permanent the Senate-confirmed
2295 assistant secretary position for this function. This will better
2296 position the Department of Energy to work with this interagency,
2297 their interagency partners, to coordinate, plan, and respond to
2298 energy emergencies.

2299 I want to thank my friend and colleague Chairman Rush for
2300 working on this legislation with me, and I look forward to working
2301 with my colleagues to preserve Energy and Commerce jurisdiction
2302 over these functions in getting this bill across the finish line.

2303 I urge my colleagues to support and I yield back.

2304 The Chairman. Mr. Rush, are you --

2305 Mr. Rush. I yield back, Mr. Chairman.

2306 The Chairman. Thank you.

2307 I appreciate the comments by the gentleman from Michigan
2308 about our jurisdiction which we are constantly fighting for.

2309 Are there any other members that would like to speak on Mr.
2310 Rush's bill? If not, we are going to proceed to a vote. The
2311 question now occurs on favorably reporting H.R. 362 to the full
2312 House.

2313 All those in favor of reporting the bill to the House will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

2314 signify by saying aye.

2315 All those opposed will say no.

2316 In the opinion of the chair the ayes have it and H.R. 362
2317 is reported to the House.

2318 And now we have our fourth cyber bill. The chair calls up
2319 H.R. 370, the Pipeline and LNG Facility Cybersecurity
2320 Preparedness Act.

2321 [The Bill H.R. 370 follows:]

2322

2323 *****INSERT 20*****

2324 The Chairman. The clerk will report the title of the bill.

2325 The Clerk. H.R. 370, a bill to require the Secretary of
2326 Energy to carry out a program relating to physical security and
2327 cybersecurity for pipelines and --

2328 The Chairman. Without objection, the first reading of the
2329 bill will be dispensed with and the bill is now considered as
2330 read. Are we expecting any amendments -- sponsors like to comment
2331 on this?

2332 Mr. Upton. Strike the last word.

2333 The Chairman. Mr. Upton.

2334 Mr. Upton. Thank you, Mr. Chairman. So I just want to say
2335 that this bill, H.R. 370, which I reintroduced this year with
2336 Mr. Loeb sack, will indeed strengthen Department's ability to
2337 respond to physical and cyber threats to our nation's pipeline
2338 and its LNG facilities. You know, Russian agents and other nation
2339 states are waging cyber war on our energy infrastructure wherever
2340 they can find a weakness. And as the sector's specific agency
2341 for energy, DOE has to have a stronger lead role to protect our
2342 nation from those threats. And to help address these threats,
2343 this bill would, A), require that the Secretary carry out a program
2344 to coordinate federal agencies, states, and the energy sector
2345 to ensure the security resiliency and survivability of natural
2346 gas pipelines, hazardous liquid pipelines, and LNG facilities;
2347 B), it is going to authorize DOE to coordinate response and
2348 recovery to physical and cyber incidents' impact in the energy

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2349 sector and develop advanced cybersecurity applications and
2350 technologies; and C), it is going to allow DOE to perform pilot
2351 demonstration programs and develop workforce development
2352 curricula relating to physical and cybersecurity to help the
2353 energy sector evaluate, prioritize, and improve physical and
2354 cybersecurity capabilities.

2355 The bill is not a regulatory program. It simply strengthens
2356 the Department's ability to coordinate cyber response,
2357 collaborate and build capacity within states and the energy
2358 sector. Other agencies like the TSA have a role to play when
2359 it comes to cybersecurity for pipelines, but DOE has the core
2360 responsibility over energy infrastructure to ensure that reliable
2361 supply and delivery of energy against all hazards and that is
2362 why we need to pass this bill.

2363 I look forward to the continuing bipartisan support and urge
2364 all my colleagues to support it and yield back.

2365 The Chairman. I thank the gentleman. Does the gentleman
2366 from Iowa want --

2367 Mr. Loeb sack. I move to strike the last word.

2368 The Chairman. The gentleman is recognized.

2369 Mr. Loeb sack. Thank you, Chairman Rush and Pallone and
2370 Ranking Members Upton and Walden, for your leadership on these
2371 issues. This committee has worked hard across the aisle to
2372 advance legislation that will improve the cybersecurity of our
2373 nation's energy infrastructure and this legislation, I think,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2374 is a critical piece of the puzzle.

2375 The Pipeline and LNG Facilities Cybersecurity Preparedness
2376 Act, which I am proud to have introduced with my colleague, Ranking
2377 Member Upton, will strengthen the Department of Energy's role
2378 in coordinating and information sharing with other federal
2379 agencies, states, and the energy sector to improve our nation's
2380 physical and cyber pipeline security. We know that cyber-attacks
2381 are a near constant and increasingly dangerous threat to our
2382 energy infrastructure. As the Director of National
2383 Intelligence noted in his Worldwide Threat Assessment earlier
2384 this year, and I quote, "China has the ability to launch
2385 cyber-attacks that cause localized, temporary disruptive effects
2386 on critical infrastructure such as disruption of a natural gas
2387 pipeline, for days to weeks in the United States," unquote,
2388 clearly, the threat to our nation's energy security is an
2389 immediate concern and we cannot wait to act.

2390 This legislation will be an important step toward ensuring
2391 that we are prepared in both the public and private sectors to
2392 not only prevent, but also respond and quickly recover from cyber
2393 incidents. I am pleased that the committee is acting to advance
2394 this and other critical legislation for our nation's energy
2395 cybersecurity and I yield back.

2396 The Chairman. I thank the gentleman. Does anyone else want
2397 to speak on the Upton bill? Seeing none, we will go to a vote.
2398 The question now occurs on favorably reporting H.R. 370 to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

2399 House.

2400 All those in favor of reporting the bill to the House will
2401 signify by saying aye.

2402 All those opposed will say no.

2403 In the opinion of the chair the ayes have it and H.R. 370
2404 is reported to the full House.

2405 And now we have another energy efficiency bill. The chair
2406 calls up H.R. 2088, a bill to amend the Energy Independence and
2407 Security Act of 2007 to reauthorize the Energy Efficiency and
2408 Conservation Block Grants as forwarded by the Subcommittee of
2409 Energy on May 16th.

2410 [The Bill H.R. 2088 follows:]

2411

2412 *****INSERT 21*****

2413 The Chairman. The clerk will report the title of the bill.

2414 The Clerk. Committee print to H.R. 2088, a bill to amend
2415 the Energy Independence and Security Act of 2007.

2416 The Chairman. Without objection, the first reading of the
2417 bill will be dispensed with and the bill is now considered as
2418 read. Do we expect amendments to this?

2419 We have an amendment. The gentleman, Mr. Bucshon, is
2420 recognized for his amendment.

2421 Mr. Bucshon. Mr. Chairman, I have an amendment at the desk.

2422 [The Amendment offered by Mr. Bucshon follows:]

2423

2424 *****INSERT 22*****

2425 The Chairman. And that amendment, do you have a number for
2426 it? Does the clerk have it?

2427 Mr. Bucshon. I think it is the only one, should be the only
2428 one for this bill.

2429 The Chairman. She has it. The clerk will report the
2430 amendment.

2431 The Clerk. Amendment to H.R. 2088 offered by Mr. Bucshon.
2432 At the end of the bill --

2433 The Chairman. Without objection, the reading of the Bucshon
2434 amendment will be dispensed with and the gentleman from Indiana
2435 is recognized for 5 minutes in support of his amendment.

2436 Mr. Bucshon. Thank you, Mr. Chairman.

2437 H.R. 2088 authorizes a staggering \$17.5 billion over 5 years
2438 to resurrect a one-time Obama era stimulus program that faced
2439 significant challenges. To put this magnitude of spending in
2440 context, the original block grant program was provided a one-time
2441 appropriation of \$3.2 billion. Both GAO and the Inspector
2442 General have raised concerns about the implementation of the
2443 program and the management of projects. Congress has
2444 wisely declined to provide additional funds for this program and
2445 the DOE has shifted its priorities to support high-impact, early
2446 stage, applied R&D activities, and to encourage the private sector
2447 to fund the commercialization of energy efficient technologies.

2448 Last year, DOE's Office of Energy Efficiency and Renewable Energy
2449 received almost \$2.5 billion to support its work across a wide

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2450 range of energy technologies to improve the energy efficiency
2451 of our homes, buildings, and industries. In addition, DOE's vast
2452 mission supports hundreds of millions of dollars in spending
2453 across the Department and the national labs.

2454 My amendment is very straightforward. First, it would
2455 ensure that the underlying legislation incorporates lessons
2456 learned from the Obama era stimulus block grant program. Simply
2457 put, we shouldn't rush to resurrect this program especially given
2458 the track record. What the amendment says is the bill cannot
2459 go into effect until the DOE submits an evaluation of the CBGP
2460 program and the recommended reforms and the DOE must certify the
2461 bill will not be duplicative of any existing DOE programs and
2462 will ensure the proper stewardship of the taxpayer dollars.

2463 The amendment will not kill the bill or slow it down. I
2464 encourage everyone on the committee to join me in supporting my
2465 amendment, and I yield back.

2466 The Chairman. I thank the gentleman and I now recognize
2467 myself for 5 minutes in opposition to the Bucshon amendment.
2468 I appreciate the desire to be good stewards of taxpayer dollars
2469 as the gentleman's amendment suggests, but this request that DOE
2470 do a report evaluating this block grant program, I think, is
2471 duplicative and itself would become a misuse of taxpayer
2472 resources. The amendment gives DOE an infinite amount of time
2473 to submit the suggested report. If DOE elects to delay the report
2474 the effect is delaying the grant program and that is a non-starter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2475 for me.

2476 We already have two reports evaluating this program. One
2477 conducted by GAO on the implementation of the program and another
2478 independent evaluation of its accomplishments commissioned by
2479 DOE and conducted by the firm DNV GL. GAO actually made some
2480 recommendations to DOE about improving program administration,
2481 but the report did not identify any fatal flaws in the program.

2482 GAO's report shows we can make the process more effective
2483 this time around and that could be said of virtually any program.

2484 DOE is capable of fixing all of the issues raised in the 2011
2485 report and administering a successful program. Ironically, the
2486 only mention of duplication in the GAO report is with respect
2487 to the reporting requirements of the program and the Recovery
2488 Act required transparency and accountability for the funds
2489 delivered, and the act's reporting requirements at times overlap
2490 with those of the existing programs funded through it.

2491 The independent -- the second report, the independent
2492 evaluation report completed in 2015 by DNV GL reflects one of
2493 the GAO's recommendations that the DOE solicit information to
2494 evaluate the energy-related impacts of recipients' use of the
2495 funds. And so, what did DNV GL find? They found that the program
2496 produced energy savings of 5.2 billion on energy bills, 70 percent
2497 of which were realized by residential customers. It also
2498 produced more than 62,000 net job gains and it avoided 25.7 million
2499 metric tons of carbon pollution. So again, in my opinion, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

2500 program is a win-win. I mean it saves energy, it reduces costs,
2501 it produces jobs, and it also reduces carbon pollution. So I
2502 think if you want to seriously tackle the climate crisis, you
2503 should really reject this amendment and support the bill.

2504 States, territories, tribal organizations, and local governments
2505 across the country already are engaged in doing their part to
2506 reduce carbon pollution. The federal government should support
2507 their efforts and the Energy Efficiency and Conservation Block
2508 Grant program is an excellent way to do that.

2509 So I would urge my colleagues to oppose the amendment and
2510 to support the underlying bill. Does anyone on the Republican
2511 side want to comment on the Bucshon amendment?

2512 Anybody on the Democratic -- oh, Mr. Veasey is recognized.

2513 Mr. Veasey. Thank you, Mr. Chairman. I would like to thank
2514 you for recognizing me in opposition to this amendment.

2515 And I appreciate the amendment offered by my colleague and I think
2516 that it is right that we have a discussion about the impact of
2517 the legislation that we pass on this committee, but I think that
2518 the benefits that have been laid out by the chair are very apparent.

2519 And I have before me, here, four different reports on this
2520 program including one from the Department of Energy and the GAO.

2521 These reports detail the successes of the program as well as
2522 the challenges DOE faced when implementing a brand-new initiative.

2523 In fact, as a result of these reports and their findings, DOE
2524 is better prepared to administer the program. Furthermore, the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2525 amendment seeks to ensure proper stewardship of taxpayers'
2526 dollars. This is a fantastic goal, and in fact this is one of
2527 the main objectives of the bill. By deploying energy efficient
2528 devices in local government buildings, we will be saving taxpayer
2529 money by reducing their energy bills. According to an analysis
2530 prepared by the Oak Ridge National Laboratory, the program
2531 produced \$5.2 billion of total cumulative savings on energy bills
2532 for the public.

2533 Finally, I would like to point out that this amendment does
2534 not include a timeline for when the DOE must submit the report
2535 to Congress, leaving open the possibility that the amendment is
2536 never submitted. It is for those reasons that I ask that my
2537 colleagues join me in voting down this amendment and advancing
2538 the Energy Efficiency and Conservation Block Grant program.

2539 And, Mr. Chairman, I also have a list, too, of Democrats
2540 and Republicans in the Texas delegation, many on this committee,
2541 actually, that their mayors love this program and have benefited
2542 from it immensely. I yield back.

2543 The Chairman. Does the gentleman ask unanimous consent to
2544 submit that for the record?

2545 Mr. Veasey. Yes, I ask unanimous consent to submit that
2546 for the record.

2547 The Chairman. Without objection, so ordered.

2548 [The information follows:]

2549

2550

*****COMMITTEE INSERT*****

2551 The Chairman. Are there any other members seeking
2552 recognition to speak on the Bucshon amendment? Okay. If there
2553 is no further debate, we will proceed to a vote on the gentleman
2554 from Indiana's amendment.

2555 All those in favor of the amendment will signify by saying
2556 aye.

2557 All those opposed will say no.

2558 In the opinion of the chair, the noes have it and the amendment
2559 is not agreed to.

2560 Are there further amendments to the underlying bill? Are
2561 there any members who would like to speak on the underlying bill?

2562 Yes, the gentleman, Mr. Bucshon is recognized.

2563 Mr. Bucshon. Thank you, Mr. Chairman. H.R. 2088
2564 reauthorizes at \$3.5 billion per year for 5 years the Energy
2565 Efficiency and Conservation Block Grant program at DOE which
2566 expired in 2012. It also explicitly authorizes funding to deploy
2567 infrastructure for alternative fuels including electricity.
2568 There are two concerns I have with the bill: its 3.5 billion per
2569 year funding level and the lack of information to justify that
2570 block grants are the best policy approach to achieve the goals
2571 of the bill without duplicating other federal, local or private
2572 initiatives.

2573 Despite the April 10th legislative hearing, there actually
2574 has been no committee evaluation of the program, no assessment
2575 of alternative approaches or whether it would be duplicative of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

2576 other programs or be executed in a way that protects taxpayer
2577 interests. The only time the program was funded in the last 12
2578 years was under President Obama's 2009 stimulus spending package
2579 which was one-time funding of \$3.2 billion over 3 years and that
2580 was not fully expended.

2581 GAO and DOE Inspector General information at the time of
2582 the program raised questions about the fiscal management, whether
2583 funds achieved what was promised in some cases, and we should
2584 look more closely at that information. Would this program
2585 duplicate other programs? How does this work with the DOE Better
2586 Buildings initiative or its Clean Cities program? The
2587 bill explicitly expands eligibility of state, local, and tribal
2588 entities to fund alternative fuel infrastructure including
2589 electricity. What are the barriers to that infrastructure now
2590 and why is this the program to address that? At both the
2591 legislative hearing and the subcommittee markup, Republicans
2592 expressed a desire to evaluate the success of the original program
2593 before rushing to reauthorize it. Ultimately, that hasn't
2594 happened. As it is, without better information I cannot support
2595 the bill and would urge a no vote. I yield back.

2596 The Chairman. The gentleman yields back. I just want to
2597 recognize myself in support of the underlying bill. I want to
2598 thank the Conference of Mayors for their support of this bill
2599 and the main sponsor of it is Congressman Stanton from Phoenix,
2600 who I believe was the mayor of Phoenix before he was elected to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

2601 Congress, and of course Mr. Veasey is our committee sponsor.
2602 But I also wanted to thank Mayor Brian Wahler of Piscataway, New
2603 Jersey in my district who joined us here in May to testify the
2604 importance of this program.

2605 State and local governments are the ones truly at the
2606 forefront of addressing the climate crisis and they are stepping
2607 up to the plate to fill the vacuum left by the President. As
2608 you know, he still wants us to withdraw from the Paris Climate
2609 Agreement, which obviously I don't support. And -- I don't
2610 support the withdrawal -- we should be supporting the efforts
2611 of local leaders to address climate change and that is exactly
2612 what the Energy Efficiency and Conservation Block Grant program
2613 does. In fact, the last time we funded the program, my colleagues
2614 across the aisle were allocated over \$112 million, cumulatively,
2615 in their districts. And at the local level, this is not a partisan
2616 issue and quite frankly it shouldn't be. I know Mr. Bucshon is
2617 not saying he necessarily opposes it; he just wants some
2618 safeguards. But we have already talked about that.

2619 I think that we can create new jobs, improve the environment,
2620 and make our communities safer and more resilient to climate
2621 changes that we can't avoid with this bill. I think it is a
2622 win-win, so I would urge my colleagues to support the underlying
2623 bill and I would yield back. Is there anyone else on the
2624 Republican side that wants to speak on this, or anyone at all
2625 who wants to speak on it? Okay, so we are going to go to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2626 underlying bill. The question now occurs on favorably reporting
2627 H.R. 2088, as amended, to the House.

2628 All those in favor of reporting the bill, as amended, to
2629 the House will signify by saying aye.

2630 All those opposed will say no.

2631 In the opinion of the chair the ayes have it and H.R. 2088,
2632 as amended, is reported to the full House.

2633 What is next?

2634 This is the Weatherization bill. The chair calls up H.R.
2635 2041, the Weatherization Enhancement and Local Energy Efficiency
2636 Investment and Accountability Act.

2637 [The Bill H.R. 2041 follows:]

2638

2639 *****INSERT 23*****

2640 The Chairman. The clerk will report the title of the bill.

2641 The Clerk. H.R. 2041, a bill to reauthorize the

2642 Weatherization Assistance Program and for other purposes.

2643 The Chairman. Without objection, the first reading of the

2644 bill will be dispensed with and the bill is now considered as

2645 read. Are we expecting any amendments to this?

2646 We will start with Mr. Tonko who has a manager's amendment.

2647 [The Amendment offered by Mr. Tonko follows:]

2648

2649 *****INSERT 24*****

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2650 The Chairman. What is that labeled? The clerk has it?

2651 The Clerk. Yes, sir.

2652 The Chairman. The clerk will --

2653 The Clerk. Amendment to H.R. 2041 offered by Mr. Tonko and
2654 Mr. Upton. Beginning on page 1 --

2655 The Chairman. Without objection, the reading of the
2656 amendment will be dispensed with and Mr. Tonko is recognized for
2657 5 minutes to speak to support his amendment.

2658 Mr. Tonko. Thank you, Mr. Chairman. And I want to thank
2659 you and Chairman Rush for including H.R. 2041 in today's markup.

2660 And I do also thank Mr. Upton and our colleagues on the other
2661 side of the aisle for being willing to work with us on this
2662 amendment to ensure strong, bipartisan support for what I believe
2663 is a very important bill, because at the end of the day, it is
2664 important that we understand the merits of DOE's Weatherization
2665 Assistance Program.

2666 Our colleagues on the Senate Energy and Natural Resources
2667 Committee have just advanced the bipartisan companion measure
2668 out of committee yesterday, so I am indeed hopeful that this
2669 program might actually have a shot of being reauthorized during
2670 this 116th session of Congress. For over 40 years, DOE's
2671 Weatherization Assistance Program has been helping our most
2672 vulnerable neighbors -- the poor, the elderly, and the disabled
2673 -- to reduce their utility bills and make their homes healthier
2674 and much more energy efficient. Small investments in these homes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2675 can have a major impact. DOE estimates an average annual cost
2676 savings of \$283 per home which can be a big deal for people
2677 struggling to make ends meet.

2678 This bill would reauthorize and modernize the program. It
2679 has support from a wide range of stakeholders including state
2680 energy officials, home performance contractors, efficiency
2681 advocates, and manufacturers of energy efficient materials. This
2682 amendment makes a few minor changes in response to technical
2683 assistance provided by the Department of Energy. It also requires
2684 subgrantees to provide annual reports on the number of
2685 multi-family housing units weatherized under the program. I
2686 think we should be encouraging more work on these types of homes
2687 and hope we can give their unique circumstances additional
2688 consideration as we move forward.

2689 The amendment also responds to two requests from our
2690 Republican colleagues. First, it slightly decreases the
2691 underlying bill's authorizations for the program's first 3 fiscal
2692 years. The fiscal year 2020 level would be identical to the
2693 recently passed House Energy and Water Appropriations bill and
2694 would gradually increase to the target level of \$350 million in
2695 years 4 and 5 of the authorization.

2696 In my view, weatherization is a cost-effective program that
2697 could handle significantly greater funding. But I understand
2698 the argument that funding is more likely to ramp up gradually
2699 in the near term. Second, the amendment would institute a sunset

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2700 for the new innovation competitive grant program. This would
2701 give us an opportunity to evaluate the success of this new
2702 set-aside and determine whether it should continue in the future.

2703 So I am again very grateful to Mr. Upton and our Republican
2704 colleagues for being willing to work toward agreement on this
2705 effort because I truly believe that weatherization is not just
2706 an important program, it is a good program. It helps our
2707 constituents who need it the most. In fact, when we look at the
2708 amount of energy impact, energy cost impact on poor households,
2709 it is far more significant than that on average households. I
2710 encourage the members of this committee to support this amendment
2711 and the bill and with that, Mr. Chair, I yield back.

2712 Mr. Upton. Would the gentleman yield? Would the gentleman
2713 yield?

2714 Mr. Tonko. Yes, sir.

2715 Mr. Upton. I just thank you and I just want to again
2716 reiterate my appreciation for working with us on our side. We
2717 had a lot of good discussions. You outlined exactly what the
2718 bill does and it is a good bill. We care about the folks that
2719 this is going to impact in a meaningful way and we truly made
2720 it bipartisan. I just want to thank you for that. And the staff
2721 again on both sides worked very hard and we came to an agreement
2722 that I am very proud of and certainly that is why I put my name
2723 on it. Thank you, and look forward to seeing it get to the
2724 President's desk.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2725 Mr. Tonko. Thank you and I yield back.

2726 The Chairman. So we have the Tonko manager's amendment.

2727 We are going to vote on that. Anyone else want to address that
2728 amendment? If not and there is no further debate, we will proceed
2729 to a vote.

2730 All those in favor of the Tonko amendment will signify by
2731 saying aye.

2732 All those opposed will say no.

2733 The opinion of the chair is the ayes have it and the amendment
2734 is agreed to. Are there -- we have Mr. Rush. Do you have an
2735 amendment?

2736 Mr. Rush. Yeah. Mr. Chairman, I have an amendment at the
2737 desk.

2738 [The Amendment offered by Mr. Rush follows:]

2739

2740 *****INSERT 25*****

2741 The Chairman. And how is that labeled?

2742 Mr. Rush. Rush 46.

2743 The Chairman. The clerk has it. The clerk will report the
2744 amendment.

2745 The Clerk. Amendment to H.R. 2041, offered by Mr. Rush of
2746 Illinois. Page 4 --

2747 The Chairman. And, without objection, the reading of the
2748 Rush amendment will be dispensed with and Mr. Rush is recognized
2749 for 5 minutes.

2750 Mr. Rush. Well, thank you, Mr. Chairman. Mr. Chairman,
2751 my amendment is consistent with the objective of my workforce
2752 bill in that it targets training for underrepresented groups in
2753 the weatherization program. The Rush amendment encourages any
2754 entity receiving the funding from the federal government or from
2755 a state weatherization program to prioritize the hiring and
2756 retention of local candidates who are from the community that
2757 the program serves and who are members of underserved groups within
2758 the home energy performance workforce.

2759 Specifically, Mr. Chairman, my amendment would target
2760 training for religious and ethnic minorities, women, veterans,
2761 individuals with disabilities, and individuals who are
2762 socioeconomically disadvantaged. Mr. Chairman, now more than
2763 ever it is important that Congress send a message that those who
2764 have been historically marginalized and overlooked by the system
2765 who -- are not forgotten by their representatives here in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2766 Washington. And not only do we value and appreciate them, but
2767 we are actively working to address their concerns and work on
2768 behalf of their interests. So it is my intention, Mr. Chairman,
2769 that any organization that receive taxpayers' money will work
2770 to actively include these individuals and train them for these
2771 good paying jobs and careers of retrofitting homes right in their
2772 own communities.

2773 Mr. Chairman, I view this amendment as enacting a concept
2774 that is long overdue and I hope that my colleagues on both sides
2775 of the aisle will support it. We can no longer afford to continue
2776 doing business as usual when so many Americans are feeling like
2777 they are being diminished, ignored, or outright assaulted. I
2778 urge all of my colleagues to support this amendment which will
2779 give many of our fellow citizens a lifeline to be productive and
2780 valued members of our society. And with that I yield back the
2781 balance of my time.

2782 The Chairman. Thank you, Mr. Rush. Does anyone else want
2783 to speak on the Rush amendment? Okay, hearing none, we will move
2784 to a vote on the amendment.

2785 All those in favor of the Rush amendment will signify by
2786 saying aye.

2787 All those opposed will say no.

2788 In the opinion of the chair the ayes have it. The amendment
2789 is agreed to.

2790 I think that was the only other amendment, right? Now, would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2791 anyone like to speak on the underlying Tonko bill?

2792 I am going to recognize myself. I want to thank Mr. Tonko
2793 and our other colleagues for their hard work on this bill. The
2794 weatherization program provides much-needed assistance to
2795 families that would otherwise be unable to afford making energy
2796 efficiency improvements to their homes. In addition to lowering
2797 energy costs, these improvements create local jobs and spur demand
2798 for energy efficient products provided by local businesses.

2799 And I have been encouraged to hear our Republican colleagues
2800 state their efforts to tackle the climate crisis. This is one
2801 of the ways we can do that but still create jobs and save energy
2802 and support our constituents by helping them to make their homes
2803 more comfortable and affordable. These are the types of solutions
2804 that we need, they pay for themselves over time, and they are
2805 the key to lowering carbon pollution.

2806 Buildings account for significant carbon pollution. Much
2807 of that is associated with the energy we use for heating and
2808 cooling, so lowering energy use in buildings will improve the
2809 climate both inside and outside. Representative Tonko has been
2810 a supporter of this program for many years and I know he has worked
2811 with the advocacy community to improve the program and to ensure
2812 it is adequately funded. And businesses have invested to improve
2813 appliance efficiency and to develop new building materials to
2814 make homes and buildings more energy efficient, healthier, and
2815 more comfortable.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2816 So programs like these ensure that these new products and
2817 technologies are available and affordable to everyone, so I urge
2818 my colleagues to support the bill. Does anyone else want to talk
2819 about the bill? If not, the question now occurs on favorably
2820 reporting H.R. 2041, as amended, to the House.

2821 All those in favor will signify by saying aye.

2822 All those opposed will say no.

2823 In the opinion of the chair the ayes have it and H.R. 2041,
2824 as amended, is reported to the full House.

2825 We have another energy bill. The chair calls up H.R. 2119,
2826 a bill to amend the Energy Policy Act of 2005 to reauthorize grants
2827 for improving the energy efficiency of public buildings.

2828 [The bill H.R. 2119 follows:]

2829

2830 *****INSERT 26*****

2831 The Chairman. The clerk will report the title.

2832 The Clerk. H.R. 2119, a bill to amend the Energy Policy
2833 Act of 2005, reauthorize --

2834 The Chairman. Without objection, the first reading of the
2835 bill is dispensed with. The bill is now considered as read.

2836 Do we expect any amendments?

2837 The gentlewoman from Illinois is recognized for an amendment.

2838 Ms. Kelly. Mr. Chairman, I have an amendment at the desk.

2839 [The Amendment offered by Ms. Kelly follows:]

2840

2841 *****INSERT 27*****

2842 The Chairman. Do we have it, Madam Clerk? We do, so --

2843 The Clerk. Amendment -- I am sorry.

2844 The Chairman. Yes, proceed.

2845 The Clerk. Amendment to H.R. 2119 offered by Ms. Kelly,
2846 strike section 1 and insert the following --

2847 The Chairman. Without objection, the reading of the Kelly
2848 amendment will be dispensed with and the gentlewoman from Illinois
2849 is recognized for 5 minutes.

2850 Ms. Kelly. Thank you, Mr. Chairman. My amendment would
2851 expand on the underlying bill which expands and reauthorizes a
2852 federal program to help municipalities in building and updating
2853 energy efficient buildings. Municipal energy efficiency is a
2854 win-win. It saves taxpayers money while investing in green collar
2855 jobs.

2856 My amendment simply incorporates recognized energy
2857 efficiency standards and would add a benchmarking requirement
2858 to ensure the standards, goals, and metrics of the bill translate
2859 to energy efficiency. Quite simply, there is no sense in throwing
2860 good money after bad. Along those lines, the amendment would
2861 require third-party verification of energy efficiency
2862 improvements in each building. Lastly, the amendment would
2863 ensure the payment of prevailing local wages for jobs performed
2864 pursuant to the underlying grants.

2865 This amendment was drafted after consultation with various
2866 stakeholders. It improves the underlying bill by creating

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2867 important auditing provisions and ensures labor rights are
2868 protected. I encourage all members to support the amendment and
2869 the underlying bill. I yield back.

2870 The Chairman. Will the gentlewoman yield to me?

2871 Ms. Kelly. Yes, I will.

2872 The Chairman. I just wanted to urge my colleagues to support
2873 the gentlewoman's amendment and also the underlying bill. This
2874 bill helps states improve the energy efficiency of public
2875 buildings and facilities by providing grants to states for the
2876 renovation of existing public buildings to reduce energy use for
2877 the construction of new energy efficient buildings. And public
2878 buildings consume a large amount of energy and this bill will
2879 help put a dent in that consumption. The bill will lower
2880 utility costs for local communities and help mitigate the crisis
2881 of global climate change by reducing carbon pollution. And I
2882 also support the gentlewoman's amendment because it includes the
2883 important provision to ensure workers employed to do this work
2884 are paid the living wage they deserve. So I want to thank her
2885 for both the amendment and the underlying bill, then yield back
2886 to the gentlewoman.

2887 Ms. Kelly. Mr. Chairman, I yield back.

2888 The Chairman. The gentlewoman yields back. Are there any
2889 --

2890 Mr. Flores. Mr. Chairman, I move to strike the last word.

2891 The Chairman. Mr. Flores in opposition to the amendment,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2892 I assume?

2893 Mr. Flores. I am in opposition. Thank you, Chairman
2894 Pallone. This bill has similar problems as H.R. 2088 and
2895 essentially spends money that has not been requested in the past.

2896 This bill reauthorizes an expired program for energy efficient
2897 buildings from the Energy Policy Act of 2005, and this is the
2898 important issue here, this program has never been funded. It
2899 hasn't been used through the past three administrations.

2900 The Department of Energy confirmed to committee staff that
2901 this has never received funding and we find no evidence that the
2902 past administrations ever even asked for funding. So there was
2903 a statement earlier about throwing good money after bad, we are
2904 throwing good money after something that has never been funded
2905 before. Beyond reauthorizing a program that has never been used,
2906 the bill would increase the authorization level from an initial
2907 \$30 million per year to \$100 million per year for 5 years.

2908 There are numerous other energy efficiency support programs
2909 at the Department and at other agencies like Housing and Urban
2910 Development and without a better accounting of all the taxpayer
2911 funds that go to assist new and existing building efficiency
2912 projects, it is difficult to see why we should resurrect this
2913 unused program. So without better information or a more complete
2914 picture, the committee should not support this bill and we should
2915 work to get a full accounting of all the efficiency programs
2916 available to assist public buildings. I urge a no vote on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

2917 amendment because it doesn't solve the problems with the
2918 underlying bill and I also urge a no vote on the bill. I yield
2919 back the balance of my time.

2920 The Chairman. Does anyone else want to speak on the Kelly
2921 amendment? All right, then we are going to go to a vote on that
2922 amendment.

2923 All those in favor of the Kelly amendment will signify by
2924 saying aye.

2925 All those opposed will say no.

2926 In the opinion of the chair the ayes have it and the amendment
2927 is agreed to. Do we have any further amendments? No? All right,
2928 does anyone want to speak on the underlying bill, for or against?
2929 No. So the question now occurs on favorably reporting H.R. 2119
2930 to the House.

2931 All those in favor of reporting the bill to the House will
2932 signify by saying aye.

2933 All those opposed will say no.

2934 In the opinion of the chair the ayes have it and H.R. 2119
2935 is reported to the Full House. I am sorry. H.R. 2119, as amended,
2936 is reported to the full House.

2937 And now we go -- oh, now we are going to go to the health
2938 bills, okay. So now we start with the health bills. The chair
2939 calls up H.R. 2781, the EMPOWER for Health Act.

2940 [The bill H.R. 2781 follows:]

2941

2942

*****INSERT 28*****

2943 The Chairman. As forwarded by the Subcommittee for Health
2944 on July 11th, the clerk will report the title of the bill.

2945 The Clerk. Committee print to H.R. 2781, a bill to amend
2946 Title VII of the Public Health Service Act to reauthorize --

2947 The Chairman. Without objection, the first reading of the
2948 bill will be dispensed with. The bill is now considered as read.

2949 Can we have less talk in the back here, gentlemen or ladies?
2950 Seems like it is mostly the gentlemen.

2951 All right, without objection, the first reading of the bill
2952 will be dispensed with. The bill is now considered as read.

2953 Do we have any amendments to this bill?

2954 The gentlewoman from Illinois is recognized. Do you have
2955 --

2956 Ms. Schakowsky. Thank you, Mr. Chairman. Dr. Burgess and
2957 I have an amendment at the desk to H.R. 2781, the EMPOWER for
2958 Health Act that we introduced in May.

2959 [The Amendment offered by Ms. Schakowsky follows:]

2960

2961 *****INSERT 29*****

2962 The Chairman. The clerk has the amendment.

2963 Ms. Schakowsky. Do you have that Amendment 1 to this bill?

2964 The Clerk. Yes, I have it.

2965 The Chairman. The clerk will report the amendment.

2966 The Clerk. Amendment to H.R. 2781 offered by Ms. Schakowsky.

2967 The Chairman. Without objection, the reading of the
2968 amendment is dispensed with and the gentlewoman from Illinois
2969 is recognized for 5 minutes.

2970 Ms. Schakowsky. Thank you.

2971 Upon consulting with the Health Resources and Services
2972 Administration and relevant stakeholders, we are offering this
2973 amendment to clarify section 4 of our bill which invites the
2974 pediatric health care -- invests, I am sorry -- which invests
2975 in pediatric healthcare workforce. This amendment ensures the
2976 section of the bill will particularly impact regions of the nation
2977 in which there is a shortage of pediatric medical specialists,
2978 pediatric surgeons, surgical subspecialties, child and adolescent
2979 psychiatric, and child and adolescent mental and behavioral health
2980 professionals.

2981 So I encourage all of my colleagues to vote for this important
2982 -- technical, but important -- addition to the bill. This is
2983 a technical amendment. And I yield back.

2984 The Chairman. We have the Schakowsky amendment. Does
2985 anyone else want to speak on that? No. So we will move to the
2986 Schakowsky amendment.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

2987 All those in favor of her amendment will signify by saying
2988 aye.

2989 All those opposed will say no.

2990 In the opinion of the chair the ayes have it and the Schakowsky
2991 amendment is agreed to.

2992 The Chairman. Are there any other amendments to the EMPOWER
2993 for Health Act?

2994 All right, anyone want to speak on the underlying bill?

2995 Mrs. McMorris Rodgers. Mr. Chairman?

2996 The Chairman. Yes, Ms. Rodgers is recognized.

2997 Mrs. McMorris Rodgers. Mr. Chairman, I move to strike the
2998 last word. I am proud to have joined my colleague, Mr. Rush,
2999 in supporting a more diverse workforce in the fields of
3000 occupational therapy, physical therapy, speech language
3001 pathology, and audiology, by co-leading the Allied Workforce
3002 Diversity Act. I have seen firsthand the benefits of these
3003 programs in helping people to live more full and independent lives.

3004 When people from underserved areas go into these fields, they
3005 are more likely to serve in underserved or rural communities.

3006 This legislation will help better serve Eastern Washington
3007 and the people who rely on these allied health professionals.
3008 I urge adoption of this amendment and the underlying bill and
3009 yield back the balance of my time.

3010 The Chairman. Thank you. Anyone else want to speak on the
3011 underlying bill?

3012 Ms. Schakowsky?

3013 Ms. Schakowsky. Thank you, Mr. Chairman. I move to strike
3014 the last word. I am really excited that this committee is moving
3015 toward advancing the EMPOWER for Health Act, which I along with
3016 -- well, that Dr. Burgess and I introduced in May. Research
3017 suggests that by 2030 the United States may see a shortage of
3018 up to 122,000 physicians, but we actually already have a
3019 significant physician shortage today.

3020 If healthcare access were equitable across race, social
3021 economic status, and geography, then we would see that the United
3022 States needs almost 100,000 more doctors right now. With the
3023 increasing population and a growth in the aging population, the
3024 demand for physicians continues to rise faster than the supply.

3025 This bill will spur growth in our healthcare workforce by
3026 reauthorizing several Title VII health professional education
3027 and training programs at higher funding levels for fiscal year
3028 2020 through 2024, the Center for Excellence program awards,
3029 grants for innovative resources and educational centers to
3030 recruit, train, and retain underrepresented minority students
3031 and faculty at health profession schools.

3032 The health professional training for diversity programs
3033 provides training for disadvantaged students through
3034 scholarships, loan repayment plans, and fellowships and the health
3035 career opportunities program. The primary care training and
3036 enhancement grants create accredited primary care professional

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3037 training programs and provides need-based financial assistance.

3038 The training in public health dentistry programs awards
3039 grants to develop training programs and provides financial
3040 assistance to dental students, practicing dentists, dental
3041 hygienists and other approved primary care dental trainees. And
3042 the program emphasizes training for students from minority and
3043 disadvantaged backgrounds and engages the students to --
3044 encourages the students to choose primary care fields to practice
3045 in underserved urban and rural areas.

3046 The Area Health Education Centers Program develops and
3047 enhances education and training networks within communities,
3048 academic institutions, and community-based organizations. The
3049 National Center for Healthcare Workforce Analysis also
3050 reauthorizes through this bill. What it authorizes is absolutely
3051 essential, develops information describing the health professions
3052 workforce to -- anyway -- and many, many things under the national
3053 care for health.

3054 The public health workforce grant enhances the quality of
3055 the public health workforce and ability of the workforce to meet
3056 national, state, and local healthcare needs. The Geriatric
3057 Workforce Enhancement Program and the Geriatric Academic Career
3058 Award Program provides grants for training across the provider
3059 continuum to integrate geriatrics and primary care delivery
3060 systems. The pediatric healthcare workforce loan repayment
3061 program is for health professionals agreeing to serve at least

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3062 2 years in pediatric medical subspecialties, pediatric surgical
3063 subspecialties or child and adolescent mental health behavior,
3064 mental and behavioral health.

3065 And I want to emphasize that for decades, Title VII programs
3066 have assisted students from minority and economically
3067 disadvantaged backgrounds to enter the health professionals by
3068 focusing on student development, retention, matriculation, and
3069 graduation. But we still have to work on it. In 1980, about
3070 seven percent of the medical school matriculation were black,
3071 and in 2016 we only increased to eight percent. We have a lot
3072 of work to do. This bill brings us in the right direction to
3073 have a culturally competent and diverse workforce. And I yield
3074 back.

3075 The Chairman. I thank the gentlewoman. So we are on the
3076 underlying Schakowsky bill, the EMPOWER for Health Act. Does
3077 anyone else want to speak on the bill? If not, we are going to
3078 go a vote. The question now occurs on favorably reporting H.R.
3079 2781, as amended, to the House.

3080 All those in favor of reporting the bill, as amended, to
3081 the House will signify by saying aye.

3082 All those opposed will say no.

3083 In the opinion of the chair the ayes have it and H.R. 2781,
3084 as amended, is reported to the full House.

3085 The next health bill deals with the Nursing Workforce. The
3086 chair calls up H.R. 728.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3087

[The Bill H.R. 728 follows:]

3088

3089

*****INSERT 30*****

3090 The Chairman. The Title VIII Nursing Workforce
3091 Reauthorization Act of 2019 as forwarded by the Subcommittee On
3092 Health on July 11th, the clerk will report the title of the bill.

3093 The Clerk. Committee print to H.R. 728, a bill to amend
3094 Title VIII of the Public Health Services Act.

3095 The Chairman. Without objection, the first reading of the
3096 bill will be dispensed with. The bill is now considered as read.

3097 Do we expect any amendments? No. Sponsors, want to speak?

3098 The gentlewoman from California, Ms. Matsui?

3099 Ms. Matsui. Thank you, Mr. Chairman. I move to strike the
3100 last word. Nurses are an integral of patient care in many
3101 settings. They are often the most memorable part of patients'
3102 hospital stays and serve as a vital role in communities delivering
3103 primary care and promoting public health and prevention. As our
3104 population grows, the demand for nurses will only continue to
3105 grow.

3106 To ensure that our system is ready to meet current and future
3107 healthcare needs, it is imperative that we invest in Title VIII
3108 nursing workforce programs, the largest dedicated source of
3109 funding that supports training, developing, and retaining a
3110 strong, diverse, competent nursing workforce across all care
3111 settings. We know it is expensive and time-consuming to become
3112 trained as a medical professional, but loan repayment and
3113 scholarship programs can help alleviate that burden.

3114 I am thankful for my colleagues' support for my amendment

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3115 at subcommittee that raises Title VIII funding levels and gives
3116 more nurses the opportunity to benefit the loan repayment programs
3117 authorized in the legislation before us today. Our nurses will
3118 be able to practice at facilities in critical shortage areas where
3119 they are needed rather than having to seek employment in places
3120 where they can receive enough compensation to repay their
3121 investment. Bolstering our nursing workforce is a key piece of
3122 the broader solution to address our nation's provider shortage
3123 challenges.

3124 I appreciate the work of my colleagues, Representative Joyce,
3125 and this committee to advance this important legislation. Thank
3126 you and I yield back.

3127 The Chairman. I thank the gentlewoman. Any of the other
3128 co-sponsors want to speak? And we have no amendments, so we will
3129 just go to the vote. The question now occurs on favorably
3130 reporting H.R. 728, as amended, to the House.

3131 All those in favor of reporting the bill, as amended, will
3132 signify by saying aye.

3133 All those opposed will say no.

3134 In the opinion of the chair the ayes have it and H.R. 728,
3135 as amended, is reported to the full House.

3136 The Chairman. Next is the autism reauthorization. The
3137 chair calls up a committee print for H.R. 1058, the AUTISM Cares
3138 Act of 2019.

3139 [The Bill H.R. 1058 follows:]

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3140

3141

*****INSERT 31*****

3142 The Chairman. As forwarded by the Subcommittee on Health
3143 on July 11th and the clerk will report the title of the bill.

3144 The Clerk. Committee print to H.R. 1058, a bill to
3145 reauthorize certain provisions of the Public Health Service Act
3146 related to autism.

3147 The Chairman. Without objection, the first reading of the
3148 bill will be dispensed with. The bill is now considered as read.

3149 Does Mr. Doyle have an amendment in the nature of a substitute?

3150 Mr. Doyle. Yes, I have an amendment at the desk.

3151 [The Amendment offered by Mr. Doyle follows:]

3152

3153 *****INSERT 32*****

3154 The Chairman. The clerk has the amendment and will report
3155 the amendment.

3156 The Clerk. Amendment in the nature of a substitute to H.R.
3157 1058, offered by Mr. Doyle. Strike all after the enacted clause.

3158 The Chairman. Without objection, the reading of the
3159 amendment will be dispensed with and Mr. Doyle is now recognized
3160 for 5 minutes.

3161 Mr. Doyle. Thank you, Mr. Chairman. I would like to offer
3162 this amendment in the nature of a substitute to the AUTISM Cares
3163 reauthorization, a bill that I have introduced with Representative
3164 Chris Smith of New Jersey. As co-chair of the Autism Caucus,
3165 I am grateful that we are considering the bill before the committee
3166 today.

3167 I hear from parents, families, and individuals who have been
3168 impacted by autism spectrum disorders, on an almost daily basis.

3169 I hear about the big stuff, about the progress a child has made,
3170 about struggles to find appropriate support services and their
3171 cost. I hear about the small stuff too, daily victories, daily
3172 pitfalls, laughs, tears, and more. These are the kinds of stories
3173 that motivate me to push for this bill and hopefully more like
3174 it.

3175 In 1995, the CDC spent less than \$300,000 annually to study
3176 the prevalence of autism spectrum disorders and the NIH spent
3177 about 10 million. 20 years later, we have made significant
3178 progress, but we are still far behind where we would like to be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3179 and where individuals and families need us to be. In 2000, the
3180 CDC reported approximately 1 in 150 children with ASD. The latest
3181 report found that number had increased to 1 in 59 children.
3182 Similarly, even though ASD can be diagnosed as early as 2 years
3183 old, most children are not diagnosed with ASD until after age
3184 4.

3185 The total cost per year for children with ASD in the United
3186 States, are estimated to be between 11.5 billion to upwards of
3187 \$60 billion in both direct and indirect costs from medical care
3188 to special education to lost parental productivity. And children
3189 and adults with ASD had average medical expenditures that were
3190 4,000 to \$6,000 higher than children without ASD.

3191 We also don't have a reliable estimate of autism's prevalence
3192 among adults. As autism is a lifelong condition, each year an
3193 estimated 50,000 teens and young adults with autism age out of
3194 school-based services. We have an unacceptable gap in our
3195 awareness of their needs, particularly in areas such as
3196 employment, housing, and social inclusion. That is why it is
3197 so important we pass this bill, to continue to close the gaps
3198 in knowledge and services surrounding ASD. The AUTISM Cares
3199 Act of 2019 increases authorized levels to match our recent success
3200 at the Appropriations Committee to \$296 million annually at the
3201 NIH, 23 million at the CDC, and 55 million at HRSA. This money
3202 will be used for research, surveillance, education, detection,
3203 and intervention for individuals with autism spectrum disorders

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3204 of all ages, not just children.

3205 The bill also supports training the healthcare workforce
3206 to better understand and treat individuals with autism and
3207 prioritizes awards to medically underserved areas. It also
3208 directs HHS to submit a report to Congress on the health and
3209 well-being of individuals on the autism spectrum including
3210 proposals to improve health outcomes for individuals with autism,
3211 an often overlooked part of ASD.

3212 The bill also adds an important voices to the Interagency
3213 Autism Coordinating Committee. We have included representatives
3214 from the Department of Labor, the Department of Justice, the
3215 Department of Housing and Urban Development, and the VA. It also
3216 increases the minimum number of self-advocates included in the
3217 public membership of the committee, an important step for a
3218 committee whose voices are invaluable. I am proud of the
3219 progress we have made over the past 20 years, but I know we still
3220 have more to do. The AUTISM Cares Act of 2019 takes important
3221 steps towards our ultimate goals to ensure that every individual
3222 has access to the treatment and support that is right for them.
3223 Mr. Chairman, with that I yield back and urge a positive vote.
3224 And I would yield the balance of my time to Ms. Eshoo.

3225 Ms. Eshoo. I thank the gentleman. I want to really point
3226 out that the superb advocacy of Mr. Doyle and his partner who
3227 chairs the Autism Caucus in the House, Mr. Chris Smith, this would
3228 not have happened without them and the legislation really is going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3229 to move the needle, finally, on autism. And you say it is the
3230 AUTISM Cares Act. I think it is the Doyle-Smith Cares Act.

3231 So bravo to you and for families that are faced with
3232 individuals that they love with this. I think that we really
3233 are offering hope with this legislation. So thank you and I am
3234 proud that we were able to move it through the Health Subcommittee
3235 and now the full committee. I yield back.

3236 Mr. Doyle. I thank the gentle lady. Mr. Chairman, I yield
3237 back and thank you.

3238 The Chairman. I thank Mr. Doyle. We have before us the
3239 Doyle amendment in the nature of a substitute to his underlying
3240 bill. Does anyone else want to speak on the amendment?

3241 All right, let's go to a vote on the amendment. Oh, I mean
3242 there are no other amendments, right? Oh, there is. I apologize.

3243 Okay. Oh, I see. This is an amendment to the AINS. Okay.

3244 Ms. Rodgers is recognized for that purpose.

3245 Mrs. McMorris Rodgers. Thank you, Mr. Chairman. I have
3246 an amendment at the desk.

3247 [The Amendment offered by Ms. McMorris Rodgers follows:]

3248 *****INSERT 33*****

3249 The Chairman. The gentlewoman -- oh, we need to have the
3250 amendment. Does this amendment have a label? Do you have it?

3251 All right. The clerk will report the amendment to the AINS.

3252 The Clerk. The amendment to the amendment in the nature
3253 of a substitute to H.R. 1058 offered by Mrs. Rodgers of Washington.

3254 The Chairman. Without objection, the reading of this
3255 amendment will be dispensed with and the gentlewoman is recognized
3256 on her amendment to the AINS.

3257 Mrs. McMorris Rodgers. Thank you, Mr. Chairman. I am a
3258 proud co-sponsor of H.R. 1058, the AUTISM Cares Act, led by
3259 Representative Doyle and Representative Smith. Ensuring that
3260 individuals with disabilities have adequate access to education,
3261 housing, and other programs has always been a priority for me.
3262 We have made great progress over the years, and this bill helps
3263 to continue our efforts.

3264 This amendment makes technical changes to the amendment in
3265 the nature of a substitute in order to ensure that individuals
3266 with autism spectrum disorder and other developmental
3267 disabilities are more clearly included in the statute for autism
3268 education, early detection, and intervention activities. I urge
3269 adoption of the amendment and the underlying bill and yield back
3270 the balance of my time.

3271 The Chairman. Thank you. Anyone want to speak on the
3272 Rodgers amendment to the AINS? Hearing none, we will proceed
3273 to that vote.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

3274 All those in favor of the Rodgers amendment will signify
3275 by saying aye.

3276 All those opposed will say no.

3277 In the opinion of the chair the ayes have it and the amendment
3278 to the AINS is agreed to. I assume now we go to the AINS. We
3279 will proceed to a vote on the amendment in the nature of a
3280 substitute introduced by Mr. Doyle.

3281 All those in favor of the Doyle amendment in the nature of
3282 a substitute, as amended, to H.R. 1058 will signify by saying
3283 aye.

3284 All those opposed will signify by saying no.

3285 In the opinion of the chair, the ayes have it and the amendment
3286 in the nature of a substitute, as amended, to H.R. 1058 is agreed
3287 to.

3288 Now we are going to go to the underlying Doyle bill. A
3289 question now occurs on favorably reporting H.R. 1058, as amended,
3290 to the House.

3291 All those in favor of favorably reporting the bill as amended
3292 will signify by saying aye.

3293 All those opposed will say no.

3294 In the opinion of the chair, the ayes have it and the H.R.
3295 1058, as amended, is reported to the House. All members shall
3296 have 2 additional days in which to file supplemental, additional,
3297 minority, and dissenting views. And the chair intends to file
3298 the report for H.R. 1058 with the House on Friday. The next health

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3299 bill is H.R. 2507, the Newborn Screening Saves Lives
3300 Reauthorization Act of 2019.

3301 [The Bill H.R. 2507 follows:]

3302

3303 *****INSERT 34*****

3304 The Chairman. As forwarded by the Subcommittee on Health
3305 on July 11th, the clerk will report the title of the bill.

3306 The Clerk. Committee print to H.R. 2507, a bill to amend
3307 the Public Health Service Act to reauthorize certain programs
3308 under Part A.

3309 The Chairman. Without objection, the first reading of the
3310 bill will be dispensed with. The bill is now considered as read.

3311 Do we have or expect any amendments to this? No, okay. Would
3312 anyone like to -- the sponsors would like to speak on this, the
3313 gentlewoman -- oh, the gentlewoman from New York is recognized
3314 for 5 minutes.

3315 Ms. Clarke. Thank you very much, Mr. Chairman. I just move
3316 to strike the last word. Mr. Chairman, it is great today to know
3317 that the Newborn Screening Saves Lives Reauthorization Act of
3318 2019 is being considered on our agenda. I would like to thank
3319 my colleagues for their diligent work on this bill which will
3320 reauthorize newborn screening programs for the next 5 years.

3321 Since its original passage in 2008, the Newborn Screening
3322 Saves Lives Act has helped to create a federal advisory committee
3323 to review significant disorders and it has also established a
3324 grant program for screening, counseling, and other services
3325 related to heritable disorders. While the act has made
3326 significant strides towards eliminating preventable newborn
3327 deaths, one crucial component that we still need to address is
3328 the patchwork method through which states are implementing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3329 disorders on the federal Recommended Uniform Screening Panel list,
3330 otherwise known as RUSP. With our current system, it could
3331 potentially take a decade or more for all 50 states to test for
3332 an added disorder leading to thousands of unnecessary lives lost
3333 due to screening limitations.

3334 Today, I would like to recognize Ms. Elisa Seeger who is
3335 with us today in this markup. Ms. Seeger is the mother of Aidan
3336 Jack Seeger, a spirited 6-year-old Brooklyn boy who developed
3337 vision and concentration problems. In 2011, Ms. Seeger
3338 discovered that Aidan had ALD, a deadly brain disease from which
3339 he has unfortunately passed away. It is in Aidan's memory that
3340 I now look forward to working with the committee on this important
3341 issue to adding ALD and three other disorders to RUSP in order
3342 to eliminate death by ZIP Code. Thank you, Mr. Chairman, and
3343 I yield back the remainder of my time.

3344 The Chairman. I thank the gentlewoman, our committee vice
3345 chair. Does anyone else want to speak on the gentlewoman's bill?

3346 All right, then we are going to go to a vote. The question now
3347 occurs on favorably reporting H.R. 2507, as amended, to the full
3348 House.

3349 All those in favor of reporting the bill, as amended, will
3350 signify by saying aye.

3351 All those opposed will say no.

3352 In the opinion of the chair, the ayes have it and H.R. 2507,
3353 as amended, is reported to the full House. And all members shall

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3354 have 2 additional days in which to file supplemental, additional,
3355 minority, and dissenting views. The chair intends to file the
3356 report for the bill with the House on Friday.

3357 The next health bill, call up H.R. 776, the Emergency Medical
3358 Services for Children Program Reauthorization Act of 2019.

3359 [The Bill H.R. 776 follows:]

3360

3361 *****INSERT 35*****

3362 The Chairman. The clerk will report the title of the bill.

3363 The Clerk. H.R. 776, a bill to amend the Public Health
3364 Service Act to reauthorize the Emergency Medical Services for
3365 Children Program.

3366 The Chairman. Without objection, the first reading of the
3367 bill will be dispensed with. The bill is now considered as read.

3368 Do we expect an amendment? No amendments. Sponsors would like
3369 to speak? The gentlewoman from Florida?

3370 Ms. Castor. Thank you. Chairman Pallone and Health
3371 Subcommittee Chair Eshoo, I want to thank you very much for
3372 including my bill in the markup today. H.R. 776 is the Emergency
3373 Medical Services for Children Program Reauthorization which I
3374 introduced with Congressman Peter King of New York along with
3375 my colleagues, Congressman Butterfield from our committee, and
3376 Chris Stewart.

3377 Our bill reauthorizes the Emergency Medical Services for
3378 Children program through 2024. EMSC is a vital initiative
3379 because it is the only federal funding specifically focused on
3380 addressing the unique needs of children in emergency medical
3381 services. Children have specific healthcare needs. They are
3382 not like adults. And EMSC helps bring innovation in pediatric
3383 emergency care to each state.

3384 In 2016, twenty-two percent of Emergency Department visits
3385 in my home state of Florida were made by children, so it is critical
3386 that we reauthorize this initiative as soon as possible to ensure

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3387 that America's kids are getting the right care when they need
3388 it. I want to thank my colleagues on the committee,
3389 Representatives Bobby Rush, Darren Soto, Lisa Blunt Rochester,
3390 and Susan Brooks for co-sponsoring H.R. 776. I urge my colleagues
3391 to support this bill and I yield back my time.

3392 The Chairman. I want to thank the gentlewoman. Does anyone
3393 else want to speak on the Castor bill? All right, we are going
3394 to go to a vote. The question now occurs on favorably reporting
3395 H.R. 776 to the House.

3396 All those in favor of reporting the bill to the full House
3397 will signify by saying aye.

3398 All those opposed will say no.

3399 In the opinion of the chair the ayes have it and H.R. 776
3400 is reported to the House. All members shall have 2 additional
3401 days in which to file supplemental, additional, minority, and
3402 dissenting views, and the chair intends to file the report on
3403 Friday.

3404 Next health bill is the chair calls up H.R. 2035, the Lifespan
3405 Respite Care Reauthorization Act of 2019.

3406 [The Bill H.R. 2035 follows:]

3407

3408 *****INSERT 36*****

3409 The Chairman. As forwarded by the Subcommittee on Health
3410 on July 11th, the clerk will report the title.

3411 The Clerk. Committee print to H.R. 2035, a bill to amend
3412 Title XXIX.

3413 The Chairman. Without objection, the first reading of the
3414 bill will be dispensed with. The bill is now considered as read.

3415 Do we expect any amendments? No amendments. The sponsor is
3416 not on the committee, but who is it anyway?

3417 Oh, Mr. Langevin. Oh, Ms. Rodgers -- oh, does she want --
3418 did you want to speak?

3419 Mrs. McMorris Rodgers. Thank you, Mr. Chairman.

3420 The Chairman. I recognize the gentlewoman from Washington.

3421 Mrs. McMorris Rodgers. Move to strike the last word.

3422 The Chairman. The gentlewoman is recognized.

3423 Mrs. McMorris Rodgers. Respite care is an essential part
3424 of a comprehensive healthcare approach and this legislation will
3425 support respite care agencies by providing funding for state
3426 grants to improve and expand these services in our communities,
3427 improve coordination, and streamline access to programs. I am
3428 proud to have joined Mr. Langevin in introducing the Lifespan
3429 Respite Care Act of 2019, to help fill gaps in respite care in
3430 Eastern Washington and all across our country. I yield back.

3431 The Chairman. I thank the gentlewoman. Anyone else want
3432 to talk on this respite care bill? If not, we will go to a vote.

3433 The question now occurs on favorably reporting H.R. 2035, as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3434 amended, to the House.

3435 All those in favor of reporting the bill, as amended, to
3436 the House will signify by saying aye.

3437 All those opposed will say no.

3438 In the opinion of the chair the ayes have it. H.R. 2035,
3439 as amended, is reported to the House. All members shall have
3440 2 additional days in which to file supplemental, additional,
3441 minority, and dissenting views, and the chair will file the report
3442 for the bill on Friday.

3443 Next healthcare bill, the chair calls up H.R. 2296, the More
3444 Efficient Tools to Realized Information for Consumers Act, or
3445 the METRIC Act.

3446 [The Bill H.R. 2296 follows:]

3447

3448 *****INSERT 37*****

3449 The Chairman. As forwarded by the Subcommittee of Health
3450 on July 11th, the clerk will report the title of the bill.

3451 The Clerk. Committee print to H.R. 2296, a bill to require
3452 reporting regarding certain drug price increases and for other
3453 purposes.

3454 The Chairman. Without objection, the first reading of the
3455 bill will be dispensed with. The bill is now considered as read.
3456 Expecting any amendments, okay, Ms. Schakowsky has a manager's
3457 amendment. Did you want to be recognized?

3458 Ms. Schakowsky. Mr. Chairman, may I speak on the underlying
3459 bill first?

3460 The Chairman. Absolutely. The gentlewoman is recognized
3461 to speak on the underlying bill.

3462 Ms. Schakowsky. So the first thing I want to say is thank
3463 you. I am grateful, first, to Representative Francis Rooney of
3464 Florida who was the first Republican to join me in introducing
3465 the FAIR Drug Pricing Act, which is included in this package,
3466 and who has been committed to working across the aisle on drug
3467 pricing for several years now.

3468 I am also very grateful to Senator Baldwin and Braun, senators
3469 both of them, in the Senate, who are fighting to get this companion
3470 bill over the finish line. I am also grateful to Ranking Member
3471 Walden, his staff, and my Republican colleagues on this committee
3472 who agreed to work diligently with us to reach bipartisan
3473 compromise on the FAIR Drug Pricing Act and other drug pricing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3474 transparency measures that are all included in this package of
3475 bills.

3476 I hope that people will look at this markup today and realize
3477 that bipartisanship is still possible, especially in this
3478 committee but also in this Congress. And, finally, I am most
3479 grateful to our chairman and his staff for being so committed
3480 to this issue of true drug price transparency, transparency that
3481 actually has teeth. They have worked with me throughout the
3482 Congress to set what I hope will be a unanimous committee vote
3483 to make the whole package -- move the whole package to the House
3484 floor today.

3485 This package is essential and it is long overdue. The bills
3486 being considered today are only a start and transparency is only
3487 one piece of the puzzle in bringing down the cost of prescription
3488 drugs. But let me make everyone aware, it is a huge deal that
3489 the Energy and Commerce Committee has taken the lead on marking
3490 up the most robust, the most comprehensive, the most effective
3491 drug price transparency legislation that has ever been seriously
3492 considered in the United States Congress. We should all be proud
3493 of that effort.

3494 AARP, the Campaign for Sustainable Prescription Drugs,
3495 Patients for Affordable Drugs, Families USA, the National Multiple
3496 Sclerosis Society, the American Academy of Neurology, the Alliance
3497 for Retired Americans, the Medicare Rights Center, all agree that
3498 they have endorsed this package. But most importantly, I want

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3499 to say that this package will for the very first time give taxpayers
3500 public notice of price increases. It will for the first time
3501 bring basic transparency to the market for prescription drugs.

3502 The American people are crying out and prescription drug
3503 prices are literally killing them. H.R. 2296 will finally force
3504 drug companies to answer to the American people. So what we need
3505 to do right today is to pass this package and I yield back.

3506 The Chairman. I thank the gentlewoman. So this was the
3507 underlying bill, but now unless anyone wants to speak on that
3508 we are going to go the Schakowsky manager's amendment.

3509 The gentleman from Georgia wants to speak on the underlying
3510 bill? The gentleman is recognized.

3511 Mr. Carter. Thank you, Mr. Chairman. I move to strike the
3512 last word. Mr. Chairman, I will be brief, but I want to again
3513 state my appreciation for the work that has gone into these bills.

3514 I have had concerns with earlier versions of these bills, but
3515 I think after a robust process of hearings and negotiations this
3516 is a package of bills that will help patients.

3517 So far, this committee has demonstrated sincere effort to
3518 work together to address prescription drug prices. While I think
3519 we have some work to do, today's transparency bills are a good
3520 step. Sunlight is the best disinfectant and I am concerned and
3521 I am confident that the policies in this bill will help lower
3522 costs for patients.

3523 Again, I want to thank you, Chairman Pallone and Chairwoman

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3524 Eshoo, for your leadership throughout this process. And I want
3525 to thank the staff on both sides for their work on this as well.

3526 I look forward to continuing to work with you all to address
3527 other drug pricing reforms moving forward.

3528 I remember during one of the insulin hearings in the Oversight
3529 Committee earlier this year, Chairwoman DeGette said she thought
3530 she would never see the day when Buddy Carter was channeling Jan
3531 Schakowsky. But here we are and I am thankful we have been able
3532 to work together on these issues.

3533 Mr. Chairman, today marks another strong step in this
3534 committee's work to lower drug prices for Americans I encourage
3535 all of my colleagues to support this bill. I look forward to
3536 working, to continue to work with you all to get this bill across
3537 the President's desk so we can start delivering for patients across
3538 the country. Thank you and I yield back.

3539 The Chairman. I thank the gentleman. So anyone else want
3540 to comment on the underlying --

3541 Mr. Olson. Mr. Chair, I move to strike the last word.

3542 The Chairman. Who is --

3543 Mr. Olson. Over here.

3544 The Chairman. The gentleman is recognized.

3545 Mr. Olson. Thank you, Mr. Chairman. H.R. 2296, the METRIC
3546 Act, includes much needed transparency in the cost of prescription
3547 drugs. Last month, my Texas colleague, Jodey Arrington, and I
3548 introduced H.R. 3408, the Shop Rx Act of 2019. H.R. 3408 ensures

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3549 that sponsors of prescription drug plans offer real-time benefit
3550 information to Medicare beneficiaries.

3551 Real-time benefits allow providers to see the cost of a drug
3552 and its alternatives before they prescribe it to their patients.

3553 By incorporating price transparency tools, both patients and
3554 their providers can have more informed, productive conversations
3555 about their healthcare options. Physicians and patients should
3556 be on the same page and be aware of all the options available.

3557 I am pleased to see this committee included H.R. 3408 in this
3558 bill. I urge my colleagues to support H.R. 2296. I yield back.

3559 The Chairman. I thank the gentleman. Any other statements
3560 on the underlying bill? If not, we will move to Schakowsky
3561 manager's amendment, and the gentlewoman is recognized.

3562 Ms. Schakowsky. Thank you, Mr. Chairman. Before
3563 beginning, let me just thank Chair Eshoo of the Health Subcommittee
3564 for bringing us --

3565 The Chairman. Oh, you know, I apologize. We have to --
3566 the clerk has to report your amendment, first.

3567 Ms. Schakowsky. Okay. So let me just say then, for the
3568 purposes of offering an amendment to H.R. 2296.

3569 [The Amendment of Ms. Schakowsky follows:]

3570

3571 *****INSERT 38*****

3572 The Chairman. The clerk has the amendment?

3573 The Clerk. Yes, sir.

3574 The Chairman. Want to read it?

3575 The Clerk. I do. Amendment to H.R. 2296 offered by Ms.
3576 Schakowsky.

3577 The Chairman. Without objection, the reading of the
3578 amendment will be dispensed with and Ms. Schakowsky is recognized
3579 to speak in support of her bill.

3580 Ms. Schakowsky. Once again, I want to thank Chair Eshoo
3581 for bringing us to this day where we are doing some very important
3582 work, and also thank her for -- I have had the opportunity to
3583 waive on to the subcommittee on several occasions and I appreciate
3584 it so much. Mr. Carter, they don't call you Buddy for nothing.
3585 I am so happy to be able to work with you on this legislation.

3586 I want to take just a few moments to explain why the provisions
3587 in this package are stronger and more effective than similar bills
3588 that have been introduced this Congress. First, section 2 is
3589 the bicameral and bipartisan FAIR Drug Pricing Act, which I have
3590 introduced with Congressman Rooney, I alluded to it before, which
3591 is, I think, the least we can do for consumers.

3592 This section does two essential things. First, it requires
3593 pharmaceutical manufacturers to notify HHS and submit a
3594 transparency and justification report 30 days before they increase
3595 the price of certain drugs by more than ten percent or by more
3596 than twenty-five percent over 3 years. All nonproprietary

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

3597 information will be made public on the date of the price increase
3598 so that American taxpayers who fund research and development on
3599 so many prescription drugs will receive notice -- who rely on
3600 those drugs.

3601 The justification report will require manufacturers to
3602 accurately and truthfully provide an explanation for the price
3603 increase, the manufacturing research and development costs for
3604 the drug, the net profits attributed to that drug, the marketing
3605 and advertising spending on the drug, the expenditure on patents
3606 and licensing for the drug, executive compensation during the
3607 period of the price increase, and other information that the
3608 Secretary can decide is necessary through rulemaking.

3609 While other transparency legislation has been considered
3610 for the first time this Congress, I feel confident that H.R. 2296
3611 will provide greater information for consumers about true cost
3612 of drugs developed and marketed. Unlike other proposals, my bill
3613 does not allow manufacturers to pick and choose what information
3614 they would like to disclose.

3615 Additionally, I want to highlight section 3 and 4 of this
3616 package which will increase transparency around the rebates and
3617 merger activity of Pharmacy Benefit Managers. This is the issue
3618 that Representative Carter has brought to our attention. As chair
3619 of the Consumer Protection and Commerce Subcommittee, I am
3620 especially happy that section 4 mandates a report from the Federal
3621 Trade Commission that studies merger activity of PBMs and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

3622 potentially anti-competitive practices that could increase drug
3623 prices.

3624 Section 5 of this package is based off of a very strong bill
3625 that was introduced by my friend Judy Chu in last April. I commend
3626 her for introducing robust legislation to help Americans
3627 understand exactly what is influencing or driving the distribution
3628 of drug samples. And I am happy that through our negotiation
3629 around her bill, we reached bipartisan agreement to make aggregate
3630 information on sample distribution publicly available online.

3631 Section 6 of this package incorporates a bill introduced
3632 by my friend Lloyd Doggett who has been an ally in the fight for
3633 true drug price transparency and a champion of the FAIR Drug
3634 Pricing Act. His bill would force drug companies to report more
3635 information to CMS about their average sales prices. Section
3636 7 of the package requires that insurers give real-time drug price
3637 information to seniors enrolled in Medicare Part D.

3638 I hope you all will join me in voting for this landmark drug
3639 pricing package, and with that I yield back.

3640 The Chairman. I thank the gentlewoman. I recognize the
3641 ranking member, Mr. Walden.

3642 Mr. Walden. Thank you, Mr. Chairman. I ask to strike the
3643 last word. As I mentioned in the subcommittee, I want to sincerely
3644 thank Chairman Pallone and his team for a commendable process
3645 on these bills. Today, this package of bills is focused around
3646 transparency and I think that is a very laudable goal. If there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

3647 is one thing I think the healthcare market could benefit from
3648 it is more transparency to empower consumers and ultimately open
3649 up more choice and competition.

3650 But I do want to make sure that as this process continues
3651 that we do not open ourselves up to unintended consequences, the
3652 language we began with several months ago. So I can support this
3653 package because I feel we have mitigated many of those issues.

3654 While I still have some concerns, honestly, a few more than I
3655 did last week, I feel they are outweighed by all the progress
3656 we were able to make.

3657 I also plan to continue to diligently work to ensure that
3658 we do not hamper innovation or impede patient access to their
3659 needed medication as this process continues. Now a lot of
3660 compromises were made on both sides as we worked into the night,
3661 just yesterday. As I said many times previously, if I feel in
3662 our attempt to pay homage to the idea of transparency that we
3663 actually end up violating any of the core principles in this space,
3664 I will have to reevaluate my support.

3665 But you understood the concerns we had and you worked with
3666 our members and staff, Mr. Chairman, and I do again want to thank
3667 you and your staff and I hope I have your commitment to protect
3668 this important work that we have accomplished. It is my sincere
3669 hope, Mr. Chairman, that you can defend this committee work and
3670 ensure that it is our language that we report out today that
3671 actually proceeds to the floor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3672 I am encouraged by our work in this bill to support the
3673 amendment and I thank the chairman for his process and urge members
3674 to support this legislation and I yield back the balance of my
3675 time.

3676 The Chairman. I thank the ranking member and I yield myself
3677 5 minutes in support of the amendment offered by Representative
3678 Schakowsky. And I do want to -- I will certainly commit to the
3679 ranking member to protect this important work. I know that there
3680 are competing bills and I do believe that our work of this Energy
3681 and Commerce Committee is important to protect and bring to the
3682 floor.

3683 This amendment includes important bipartisan improvements
3684 to the bill since its consideration by the Health Subcommittee
3685 last week. We have incorporated stakeholder feedback, technical
3686 assistance, and other changes that strengthen the underlying
3687 legislation all while maintaining our commitment that we reach
3688 bipartisan agreement on legislation that will provide meaningful
3689 transparency for consumers and policymakers.

3690 This amendment clarifies the underlying reporting
3691 requirements for manufacturers of qualifying drugs that raise
3692 their prices more than ten percent in 1 year or twenty-five percent
3693 in 3 consecutive years, such as the total expenditures for research
3694 and development in order to obtain FDA approval as well as the
3695 identity of other manufacturers that may have contributed to the
3696 advancement of the drug previously.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

3697 And, specifically, the bill denotes each data reporting
3698 requirement that must be disclosed publicly, removing any
3699 subjectivity that could be applied in justifying high price
3700 increases. This means that exactly what manufacturers report
3701 to HHS will then be disclosed publicly, and we have also reinforced
3702 these reporting requirements by making clear that manufacturers
3703 must provide information that is truthful, not misleading, and
3704 accurate while also ensuring that any information that is
3705 protected from disclosure today will continue to be protected
3706 under those reporting requirements. We are sending a message
3707 to drug manufacturers that if you indiscriminately raise your
3708 prices you have to answer to the American people and tell them
3709 why. And this goes to the very heart of this bill, increasing
3710 meaningful transparency. Consumers have a right to know why the
3711 drugs they are taking are increasing in price. They have a right
3712 to know how much a drug will cost them when it is being prescribed.

3713 And they should be able to understand the impact of product
3714 samples on price. However, information is only as meaningful
3715 as the format in which it is provided.

3716 The METRIC Act ensures that the reported documentation
3717 required to be submitted by drug manufacturers when they increase
3718 their prices is publicly disclosed in full, while also in a format
3719 that is user-friendly and can be readily understood. For example,
3720 this bill will allow the American people to know just how much
3721 money drug makers are spending on marketing and advertising as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3722 compared to other costs like manufacturing and research. Access
3723 to information like this will provide insight into manufacturers'
3724 real intentions and motivations when they increase their prices.

3725 In addition to the reporting provisions for drug
3726 manufacturers, the bill ensures researchers have access to
3727 information related to the distribution of drug samples to
3728 facilitate analysis and study the implications of distributing
3729 product samples to healthcare providers. And this will encourage
3730 both qualitative and quantitative analysis that will ultimately
3731 help consumers and policymakers to better understand what
3732 connections, if any, there are regarding samples and health
3733 provider behavior.

3734 I think we need more transparency in the drug supply chain,
3735 but for transparency to be useful it must be in a way that consumers
3736 can appreciate and understand, and this amendment and the
3737 underlying bill accomplish that goal, in my opinion. H.R. 2296
3738 represents a strong bipartisan agreement that will bring greater
3739 transparency to the marketplace and to the American people.

3740 And again, I want to thank Representative Schakowsky for
3741 her leadership. I know how hard she has worked on this bill,
3742 as well as my Republican colleagues and Ranking Member Walden.

3743 I am proud of this legislation and our committee's work, and
3744 I urge my colleagues to support the amendment and the underlying
3745 bill. And with that I would -- let me also -- let me yield now
3746 to the gentlewoman, the chairman of the Health Subcommittee, who

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3747 has also been so helpful with this. I yield to Ms. Eshoo.

3748 Ms. Eshoo. Thank you, Mr. Chairman. I move to strike the
3749 last word, but I will be brief. I won't use the whole 5 minutes.

3750 I want to thank Ms. Schakowsky for her work, for everyone that
3751 has been involved in this because it is a very important
3752 undertaking. Everyone is for transparency. I don't know anyone
3753 that isn't for it. What I want to make sure we do moving forward
3754 is that once people see the price that we actually bring that
3755 price down, because when they see the price their temperature
3756 is going to go up.

3757 So transparency is one thing and it is another thing to us
3758 continue working to bring the overall prices down for the American
3759 people. I want to highlight that in the METRIC Act, which I really
3760 think is important, is it requires PBMs to report the discounts
3761 they negotiate with drug manufacturers. And I know that members
3762 on both sides of the aisle were -- this is something that they
3763 cared a great deal about in the subcommittee. I think that that
3764 transparency is going to help patients to benefit from that
3765 discount.

3766 And the bill also directs the FTC to review PBMs'
3767 anticompetitive behavior. At our hearings we learned that there
3768 are three PBMs that control the majority of the market and they
3769 own pharmacies too. So how do you like that one? I think it
3770 is a potential conflict of interest. So with this bill the FTC
3771 is going to scrutinize the PBMs and if there isn't anticompetitive

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3772 behavior, terrific. But if there is, they will -- we will need
3773 to, together, address any distortions in the market.

3774 So I wanted to highlight those things in the underlying bill
3775 and I look forward to its passage and I thank everyone that has
3776 worked on it. I think it is important work for the American people
3777 and I yield back.

3778 The Chairman. I thank Chairwoman Eshoo for her contribution
3779 with this legislation as well. So now we have the Schakowsky
3780 amendment. Does anyone want to speak on that? If not, we will
3781 go to a vote.

3782 All those in favor of the gentlewoman's amendment in the
3783 nature of a substitute will signify by saying aye.

3784 All those opposed will say no.

3785 In the opinion of the chair the ayes have it and the amendment
3786 in the nature of a substitute is agreed to. Do we have any further
3787 amendments?

3788 Okay, so we are going to go now to the underlying bill.
3789 The question now occurs on favorably reporting H.R. 2296, as
3790 amended, to the House.

3791 All those in favor of reporting the bill, as amended, to
3792 the House will signify by saying aye.

3793 All those opposed will say no.

3794 In the opinion of the chair the ayes have it and H.R. 2296,
3795 as amended, is reported to the full House.

3796 The next healthcare bill -- it is the last one? Don't we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3797 have two more? Oh, I see. Surprise billing and extenders are
3798 all in one bill. All right.

3799 So the chair calls up H.R. 2328.

3800 [The Bill H.R. 2328 follows:]

3801

3802 *****INSERT 39*****

3803 The Chairman. The Reauthorizing and Extending America's
3804 Community Health Act, or the REACH Act, as forwarded by the
3805 Subcommittee on Health on July 11th, the clerk will report the
3806 title of the bill.

3807 The Clerk. Committee print to H.R. 2328, a bill to
3808 reauthorize --

3809 The Chairman. Without objection, the first reading of the
3810 bill will be dispensed with. The bill is now considered as read.
3811 Do we have any amendments to this?

3812 This is my own, all right. So I am now going to -- oh, you
3813 have one? All right, so -- now this bill, you know, has
3814 everything, right? It has all the extenders, it has the community
3815 health centers, it has the territories under Medicaid, and it
3816 has surprise billing all rolled into one. And now there is
3817 two, but -- so what amendments do we have? Let's just pause a
3818 second here.

3819 Mr. Walden. Please stand by.

3820 The Chairman. We are putting this all together. It is not
3821 easy.

3822 The Chairman. We resolved the staff differences? All
3823 right. I am going to recognize myself to offer an amendment in
3824 the nature of a substitute which is labeled AINS 01.

3825 [The Amendment offered by The Chairman follows:]

3826

3827 *****INSERT 40*****

3828 The Chairman. Do you have that? The clerk will report the
3829 amendment.

3830 The Clerk. Amendment in the nature of a substitute to H.R.
3831 2328, offered by Mr. Pallone.

3832 The Chairman. Without objection, the reading of the
3833 amendment will be dispensed with and I recognize myself for 5
3834 minutes. This amendment adds two additional bipartisan bills
3835 to the underlying health extenders package which is, itself, a
3836 product of a successful bipartisan compromise coming out of our
3837 Health Subcommittee. I want to thank the Ranking Member Mr.
3838 Walden for his willingness to work with me to get to this point.

3839 First, this amendment incorporates H.R. 3630, the No
3840 Surprises Act, which I have introduced with Ranking Member Walden,
3841 and I am proud of the open bipartisan process the ranking member
3842 and I have had with this legislation. We have done our best to
3843 hear all sides of the issue and I think we have landed with a
3844 strong product that will provide consumers with significant
3845 protections from surprise medical bills. While I still have
3846 reservations about the inclusion of an independent dispute
3847 resolution process, I believe the amendment will be offered today
3848 by Representatives Ruiz and Bucshon and that is an appropriately
3849 targeted amendment that represents their concerns, and I am
3850 committed to getting this legislation done for consumers and so
3851 that is what we are doing.

3852 This amendment also incorporates the Territories Health Care

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3853 Improvement Act which was introduced by Representatives Soto and
3854 Bilirakis and provides critical funding and important program
3855 integrity improvements to the Medicaid programs in the
3856 territories. We all know that the territories' Medicaid programs
3857 are in crisis. Without additional federal financial support they
3858 won't have enough money to last them through next year. Without
3859 additional federal funds, the American citizens who live in the
3860 territories will be at risk of losing their health coverage, losing
3861 access to doctors, hospitals, and drugs.

3862 So this bipartisan bill would provide the territories with
3863 several years of enhanced federal funds at an increased matching
3864 rate. It will ensure that the territories have the money they
3865 need to ensure people continue to have access to health care.
3866 It also makes important program integrity improvements that will
3867 help ensure that federal Medicaid dollars are being spent to
3868 improve the health of Medicaid beneficiaries.

3869 The policies in the amendment augment the significant
3870 investment the REACH Act makes to community health centers,
3871 teaching health centers, the National Health Service Corps, and
3872 other health programs. Community health centers provide access
3873 to primary health care and other services for millions of Americans
3874 especially in areas that have been underserved. Health centers
3875 provide high quality care to individuals regardless of their
3876 ability to pay and are often the only access point available to
3877 patients in their area.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3878 Since the House created the Community Health Center Fund
3879 in the Affordable Act of 2010, we have seen a significant expansion
3880 of health centers and their ability to serve. At our legislative
3881 hearing we heard how important it was for community health centers
3882 to receive long-term, stable funding to allow them to invest in
3883 care for their patients without the risk of shutting their doors,
3884 and I am proud that the reauthorization that we are passing today
3885 represents the longest extension of the fund since it was created
3886 and includes more funding than any other one piece of legislation
3887 that has ever put into community centers.

3888 Let me just add for my Republican friends, I know I am
3889 mentioning the ACA here, but I also am very much aware of the
3890 fact that community health centers concept were started, were
3891 very much supported by the Republicans over the years,
3892 particularly President Bush who was a big advocate for it.

3893 This bill also invests in the future of our healthcare
3894 workforce in underserved communities by extending funding for
3895 the National Health Service Corps and the teaching health centers
3896 program. The National Health Service Corps program provides
3897 financial support to professional students and primary care
3898 providers who commit to serve in medically underserved
3899 communities. In the past when Congress has failed to extend
3900 funding for this program on time, providers were left in limbo
3901 for months without the ability to renew their contracts. It is
3902 critical we prevent that from happening again by passing this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

3903 package today.

3904 The teaching health center program has similarly increased
3905 training of primary care medical and dental residents in
3906 community-based settings. Physicians trained at teaching health
3907 centers are far more likely to practice in a medically underserved
3908 or rural community helping better ensure that all Americans
3909 receive the care they need.

3910 And, finally, the REACH Act includes important extensions
3911 of the Patient-Centered Outcomes Research Institute, or PCORI,
3912 and important Medicare programs that improve access to quality
3913 care for low-income beneficiaries and allow seniors to remain
3914 in their home as they age. Patients are counting on us to put
3915 them first and the REACH Act does that. The amendment in the
3916 nature of a substitute provides the investments necessary to
3917 improve access to care in the U.S. territories and a lifeline
3918 to millions in traditionally underserved areas and it protects
3919 patients from the unreasonable and unacceptable practice of
3920 surprise billing.

3921 So I thank all the members for their work on this package.
3922 I think it is one of the things we can be truly proud of and
3923 I urge support for this amendment and the underlying bill then,
3924 and yield back.

3925 Mr. Walden. Mr. Chairman?

3926 The Chairman. I now recognize Mr. Walden. Do you want to
3927 speak on the AINS?

3928 Mr. Walden. Yes. Yes.

3929 The Chairman. He wants to speak on it, okay. I recognize
3930 our ranking member.

3931 Mr. Walden. Thank you, Mr. Chairman. H.R. 2328, as you
3932 have said, reauthorizes for 4 years funding for the Special
3933 Diabetes Program, Teaching Health Center Graduate Medical
3934 Education, the National Health Service Corps, community health
3935 centers, and other critical health programs. It also
3936 reauthorizes for 3 years important expiring Medicare programs
3937 and eliminates 2 years of DSH cuts that would have had a significant
3938 impact on hospitals and that were called for under Obamacare.

3939 This amendment in the nature of a substitute to H.R. 2328
3940 incorporates the language of H.R. 3631 which is the Territories
3941 Health Care Improvement Act, and H.R. 3630, the No Surprises Act.

3942 I support the inclusion of these important provisions, appreciate
3943 the bipartisan commitment made to get the policies in this
3944 amendment right, and I urge my colleagues to support its package.

3945 And I really want to give a shout-out to our delegate resident
3946 commissioner from Puerto Rico who is in the front row there.

3947 Jenniffer Gonzalez-Colon has been a terrific resource for us and
3948 a very effective representative for the island and the people
3949 who live there to make sure that we get Medicaid at the right
3950 level for the people who need it most, and we appreciate your
3951 counsel and we will be submitting your comments for the record.

3952 Mr. Chairman, with that I yield back.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3953 The Chairman. Thank you, Mr. Walden. I want to recognize
3954 Ms. Eshoo next, but I do want to thank her and Dr. Burgess. You
3955 know, we are very proud of the fact that on all legislation or
3956 most legislation when we follow the regular order that we have
3957 hearings in the subcommittee and markups in the subcommittee,
3958 and I know that this bill basically comes from numerous Health
3959 Subcommittee hearings, so I just wanted to mention it and thank
3960 you for that. I recognize Chairwoman Eshoo.

3961 Ms. Eshoo. I thank The Chairman for his kind words and move
3962 to strike the last word. I just want to put this very simply.

3963 I think that this bill is a very big deal. First, on the
3964 territories there was a great deal of thought on the part of many
3965 that went into what has produced the outcome that is before us
3966 today, and I want to recognize all of the delegates representing
3967 the territories for their terrific work and for their -- they
3968 were highly instructive to us. Mr. Soto has done marvelous work
3969 and again all of my thanks to the delegates.

3970 I say that the bill is a big deal because it is going to
3971 really improve health care for every single American including
3972 the 1 in 13 Americans who receive primary care from community
3973 health centers regardless of their ability to pay, the 30 million
3974 Americans who have diabetes and depend on the research that is
3975 funded through the Special Diabetes Program, the 10,000 people
3976 who newly enroll in Medicare every day and are dependent on
3977 personalized counseling to understand their benefits and their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

3978 premiums, the 11 million people who receive care from clinicians
3979 in the National Health Service Corps, and the millions of Americans
3980 who rely on the care provided by the Disproportionate Share
3981 Hospital in their community.

3982 It also will help the one and a half million Medicaid
3983 enrollees in the territories whose lives hang in the balance of
3984 a funding cliff. I think this is the most comprehensive
3985 legislation relative to the territories at least since I have
3986 been on the Energy and Commerce Committee and that is a long time.
3987 It is more than 2 decades.

3988 As we heard at our historic hearing, for too long the
3989 territories have struggled with inadequate, unfair, I think,
3990 federal funding with their low federal match. So I am really
3991 proud of the work that the subcommittee has done. This longer
3992 term fix for the territories offers them certainty and that is,
3993 I think, one of the most essential ingredients in this because
3994 they need to invest in their healthcare systems and they will
3995 be able to. And it is bipartisan and that is very important,
3996 obviously, as well. And I am also pleased that the bill includes
3997 a sense of Congress acknowledging the need for a permanent fix
3998 relative to Puerto Rico.

3999 So, with that I am going to yield back the balance of my
4000 time.

4001 The Chairman. May I ask the gentlewoman to yield to me?

4002 Ms. Eshoo. Sure, I would be glad to.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4003 The Chairman. I just wanted to follow up on what you said.
4004 I notice that Jenniffer Gonzalez is here, the delegate from Puerto
4005 Rico. Are there other delegates here? But I wanted to mention
4006 that both she and Stacey Plaskett were great when we had the CODEL
4007 that went to the two -- well, I guess there is more than two islands
4008 in the Virgin Islands, right -- you know, after Hurricane Maria
4009 and were very instructive in telling us about the problems with
4010 the, you know, the difficulty in funding the Medicaid program.

4011 And Mr. --

4012 Ms. Eshoo. Mr. Chairman, can I reclaim just --

4013 The Chairman. Yeah, sure. Of course.

4014 Ms. Eshoo. -- 30 seconds to say something about surprise
4015 billing? There has been a ton of work that has gone into this
4016 bill and I think the good news is, is that everyone agrees that
4017 patients should not be caught in the middle of this. I appreciate
4018 the work that has been done hearing out members and sensibilities
4019 that they had and that there is a blend to the bill that we have
4020 with the stop gap measure. I think it improves the legislation.

4021 And I am really very proud of our committee's ability to listen
4022 to members so that legislation can be improved and that ultimately
4023 that patients are going to be protected from this sticker shock
4024 of surprise billings. So thank you to you and the ranking member
4025 and I yield back.

4026 The Chairman. Well, let me just take the last 15 seconds,
4027 if you will --

4028 Ms. Eshoo. Sure, bouncy ball.

4029 The Chairman. -- and say that, you know, obviously Darren
4030 Soto did so much work on this, but we also had a lot of help from
4031 other Members of Congress who are, you know, who are of Puerto
4032 Rican descent, Nydia Velazquez, Jose Serrano, and others, so I
4033 just wanted to thank all of them as well. Thank you.

4034 The gentlewoman yields back. Is there anybody on the
4035 Republican side that wants to speak on this? Yes, the gentleman
4036 from Florida.

4037 Mr. Bilirakis. Thank you, Mr. Chairman. I move to strike
4038 the last word. I would first like to thank you for offering this
4039 amendment in the nature of a substitute, H.R. 2328, also known
4040 as the Reauthorizing and Extending America's Community Health
4041 Act, or the REACH Act. I am very pleased to see this amendment
4042 includes the longest reauthorization of the community health
4043 centers, a critical community lifeline. Community health
4044 centers treat one in five uninsured Americans, a third of those
4045 living in poverty, and one in six Medicaid beneficiaries. They
4046 provide high quality, cost effective care that annually saves
4047 the healthcare system an estimated \$24 billion by reducing the
4048 need for patients to seek care in costlier settings such as
4049 Emergency Departments.

4050 And I know, Mr. Chairman, you worked with my father,
4051 Congressman Mike Bilirakis, for years. I think you all co-chaired
4052 the caucus for many years, the Community Health Centers Caucus,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4053 and I appreciate that.

4054 I have witnessed impressive innovation and collaboration
4055 as the community health centers in my district, like Premier
4056 Community Health Center and Community Health Center of Pinellas,
4057 work with other community partners to provide a system of care
4058 that is accessible and cost efficient. Community health centers
4059 have long enjoyed bipartisan support because they are a prime
4060 example of what is working in our healthcare system.

4061 Additionally, this amendment includes Medicaid funding for
4062 the U.S. territories to address the pending fiscal cliff. I want
4063 to thank my friend and colleague, Jenniffer Gonzalez, who works
4064 on behalf of her constituents. She does a wonderful job and we
4065 are very, very fortunate to have her here in Congress working
4066 on behalf of these wonderful American citizens in Puerto Rico.

4067 Also, Stacey, I'm not sure if she is in the room, but all
4068 the delegates, they have done an outstanding job with regard to
4069 this. I'd like to also thank my colleague, and colleague on this
4070 effort, Representative Soto, who has also done a great job and
4071 he has worked in a bipartisan fashion. We appreciate it so much.

4072 He has made this bill better.

4073 As I said last week, while it may be tempting to engage the
4074 political brakes due to malfeasance in Puerto Rico, we must
4075 remember that the pending Medicaid fiscal cliff is not only an
4076 issue for the United States territories but also for the United
4077 States, an issue impacting U.S. citizens. Again we don't want

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4078 to punish the U.S. citizens in Puerto Rico. They need the health
4079 care and they need to get it soon.

4080 Under this bill, the Medicaid caps are responsibly raised
4081 to properly reflect the needs of American patients in the
4082 territories while robust program integrity measures have also
4083 been included. I urge my colleagues to continue to support our
4084 communities through our community health centers by supporting
4085 the reauthorization in addition to supporting our citizens in
4086 the territories by supporting this responsible, bipartisan
4087 Medicaid funding package, and I yield back. Thank you, Mr.
4088 Chairman. I appreciate it.

4089 The Chairman. I thank the gentleman.

4090 Ms. Schakowsky is recognized.

4091 Ms. Schakowsky. Thank you, Mr. Chairman. I move to strike
4092 the last word. I congratulate the sponsors of this legislation
4093 and the staff on both of sides of the aisle for their tireless
4094 work in crafting this bipartisan, essential legislation. It is
4095 critical that we extend funding for critical public health
4096 programs and protect consumers from outrageous medical bills,
4097 surprise billing, and otherwise. This bill guarantees
4098 community health centers, teaching health centers, and National
4099 Health Service Corps the steady of stream of funding that they
4100 need to continue the work they do. So I will be voting for this
4101 legislation and hope all my colleagues will join me in doing the
4102 same so that we pass it unanimously and send a strong message

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

4103 to spur action on both the House floor and the Senate floor.

4104 Still, I would be remiss if I did not express my
4105 disappointment that this bill maintains the current limitations
4106 on federal funding for abortion. Let us remember that community
4107 health centers are safety net facilities that provide care
4108 regardless of one's income and insurance status and ability to
4109 pay. The lower income, vulnerable women who rely on these centers
4110 for care should not be denied comprehensive reproductive health
4111 care simply because they are poor. Reproductive health care is
4112 a fundamental component of health care, and health care is a human
4113 right. And with that I yield back.

4114 The Chairman. I thank the gentlewoman. Who is first, Ms.
4115 Rodgers? Yes. You are recognized.

4116 Mrs. McMorris Rodgers. Thank you, Mr. Chairman. I move
4117 to strike the last word. I strongly support the Teaching Health
4118 Center Graduate Medical Education Program and its positive impact
4119 on increasing the number of physicians practicing in America.
4120 Living in rural Eastern Washington, I know firsthand the
4121 challenges of getting doctors into the rural areas in my district
4122 in Eastern Washington as well as all over the country.

4123 I want to thank Chairman Pallone and the Ranking Member Walden
4124 for their work in extending this important program for another
4125 4 years. I appreciate the chance to work with Mr. Ruiz and
4126 together get this legislation passed. I look forward to
4127 continuing to work with you as this package moves to the floor

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4128 and ensuring continued robust funding for this important program.
4129 We need to be mindful of the effect that short-term, level funding
4130 can have on the stabilization and the expansion of these important
4131 programs. And that is why I am happy that we, in this legislation,
4132 are authorizing the longest extension that we have seen in the
4133 THCGME program.

4134 I also want to recognize my friend and colleague, Jennifer
4135 Gonzalez, for her leadership and tireless efforts on behalf of
4136 the people of Puerto Rico. Per her invitation, I had the chance
4137 to visit Puerto Rico right after the hurricane, and saw the
4138 devastation and had the chance to go back this spring and see
4139 how far they have come rebuilding. The work of this committee
4140 in helping especially with the Medicaid that is so important to
4141 many in Puerto Rico as well as the other territories is to be
4142 lauded, and I am glad that we are moving forward. So thank you
4143 very much, Mr. Chairman. I yield back.

4144 The Chairman. I thank the gentlewoman. Anybody on the --
4145 Mr. Welch?

4146 Mr. Welch. I am going to support this bill and I appreciate
4147 the work that so many people have done to get it to this point.

4148 But I do want to raise a serious concern I have. You mentioned
4149 President Bush as someone who has supported these community health
4150 centers. He has a close ally in that effort and that is Senator
4151 Bernie Sanders. And he contacted me, but it was to raise a
4152 question that I think all of us had on our mind and that is that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4153 level funding does over time, through 2024, not keep up with
4154 inflation, does not keep up with the population increase.

4155 So we have got to be clear-eyed about this that we are giving
4156 stability to our community health centers and they want to avert
4157 that disaster where there is uncertainty about funding altogether,
4158 but on the other hand, you know, we don't level-fund the Pentagon.

4159 And why is that we level-fund health care, and I think that is
4160 a concern to all of us. I am not offering the amendment because
4161 this bill is comprehensive. It includes many things that many
4162 people have worked on very hard.

4163 And I am going to say something nice about the Republican
4164 Ranking Member so I want my Republican colleagues to close your
4165 ears, we don't want this to go to his head. But after talking
4166 to Mr. Pallone who, himself, is a strong supporter of community
4167 health centers, and I think if he had a magic wand would want
4168 to raise the funding as well, told me that Mr. Walden was extremely
4169 cooperative and helpful in getting this bill to the place it is
4170 at.

4171 And I actually inquired from Mr. Walden about the
4172 advisability of me proceeding and he gave me his opinion, and
4173 for that I appreciate it. So there is something to be said,
4174 actually an awful lot to be said for finding ways to work together
4175 especially in this environment. But on the other hand, there
4176 is also something to be said for candid acknowledgment that level
4177 funding for health care, but not level funding for the Pentagon

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4178 suggests priorities that many of us question. And I do hope that
4179 at some point when the opportunity arises, we may find a way forward
4180 to increase funding to reflect population increase and inflation
4181 adjustment which generally in health care is higher than the
4182 regular CPI.

4183 But I do want to express my appreciation to Mr. Pallone and
4184 to Mr. Walden for the work that they did not just on this aspect
4185 of the bill, but on the other aspects of the bill. But I also
4186 do want to alert my colleagues that if we have any opportunity
4187 to restore what I would call full funding, level funding that
4188 it would include that inflation and population adjustments that
4189 are necessary to make certain that our citizens get access to
4190 those community health centers that George Bush and Bernie Sanders
4191 think are so important. I yield back.

4192 The Chairman. I thank the gentleman. We are going to go
4193 to the Republican side.

4194 Mr. Olson. Mr. Chairman.

4195 The Chairman. Mr. Olson?

4196 Mr. Olson. Mr. Chairman, I move to strike the last word.

4197 The Chairman. The gentleman is recognized.

4198 Mr. Olson. Mr. Chairman, the REACH Act includes H.R. 3029,
4199 the Improving Low Income Access to Prescription Drugs Act, which
4200 I introduced with my good friend from California, Representative
4201 Nanette Diaz Barragan. H.R. 3029 would permanently, I say it
4202 again, permanently authorize the Limited Income Newly Eligible

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4203 Transition Program, known as LINET. When a family suffers a
4204 sudden reduction in income, the LINET program helps ensure these
4205 families maintain needed prescriptions as they transition to
4206 Medicare Part D. As we continue to tackle prescription drug
4207 prices, this program provides a critical backstop for families
4208 in need of help. Folks shouldn't have to worry if they can afford
4209 needed medications during this horrific transition.

4210 And, finally, Mr. Chairman, H.R. 2328 contains a bipartisan,
4211 much-needed, 2-year delay in cuts to Medicaid Disproportionate
4212 Share Hospitals, also known as DSH cuts, D-S-H. Earlier this
4213 year, despite speaking different languages, nasal New York and
4214 a Texas twang, my good friend, Mr. Engel, and I sent a letter
4215 to Speaker Pelosi with over 300 signatures asking for a 2-year
4216 delay in the upcoming DSH cuts. I want to thank Mr. Engel for
4217 working hard on this issue with me.

4218 Last month, I introduced H.R. 3054, the DSH Cuts Delay Act,
4219 to do exactly this, delay these scheduled cuts for 2 more years.

4220 Medicaid is a critical lifeline for low-income folks all across
4221 America and Texas and many of these folks rely on local community
4222 hospitals for their care. The Medicaid DSH program plays an
4223 important role in ensuring quality care. Cuts to this program
4224 would create an immediate void for essential health care by forcing
4225 local community hospitals to close their doors.

4226 We must act to protect our nation's most vulnerable citizens,
4227 especially children, the elderly, and the disabled. I will close

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

4228 by thanking Dr. Michael Burgess, lead GOP member of the Health
4229 Subcommittee, for getting these DSH cuts delayed for 2 years in
4230 this bill. I urge my colleagues to all support H.R. 2328. I
4231 yield back.

4232 The Chairman. I thank the gentleman from Texas.

4233 The gentlewoman from California, Ms. Barragan?

4234 Ms. Barragan. Mr. Chairman, I wish to strike the last word.

4235 The Chairman. The gentlewoman is recognized.

4236 Ms. Barragan. First, let me start by thanking Mr. Olson,
4237 my friend from Texas, for, first of all, pronouncing the name
4238 right. That was pretty darn good. It is as close as I say it,
4239 Barragan. But I also want to thank you for working with me to
4240 work on the LINET program which is so critically important. I
4241 represent a district that is almost 90 percent Latino African
4242 American, a district that is very working class and low income,
4243 so this program is critically important to my constituents and
4244 to so many of those across the country.

4245 I also want to take an opportunity to echo comments by my
4246 colleagues about the importance of community health centers and
4247 the work that they do. I was glad to see that we were able to
4248 authorize funding for a longer period of time, the 4 years, and
4249 do echo comments by my colleague, Mr. Welch. Mr. Welch, who,
4250 you know, at some point would like to also look into seeing how
4251 we can make sure to increase funding to account for inflation.

4252 The last thing I want to mention is I think it so great to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4253 be in a committee where we have so much bipartisan work done.
4254 When you turn on the television these days, you wouldn't know
4255 that we are doing things on a bipartisan basis. And so to be
4256 here and to work with our colleagues across the aisle to make
4257 sure we are doing things to improve lives and communities is so
4258 important, and it is nice. It feels really good. And so, I hope
4259 we have more opportunities to do good work for the American people.

4260 The issue of diabetes is very personal for me. My mother
4261 has diabetes. She has type 2. My sister-in-law has diabetes,
4262 type 1. And so, all the work we have been doing to lower
4263 prescription drug pricing especially on insulin is critically
4264 important and so I know we will continue to work on that. But
4265 to see the Special Diabetes Program being funded as well is good.

4266 We have the highest diabetes rate in my congressional district
4267 than any other district in the state of California, so the bills
4268 that we are passing here today are going to be very, very helpful
4269 and I am glad the House is able to move this out of committee
4270 and I hope that we will see some action on the Senate side as
4271 well. And with that I yield back.

4272 The Chairman. I thank the gentlewoman.

4273 On the Republican side, is there anyone? If not, Mr. Ruiz,
4274 Dr. Ruiz?

4275 Mr. Ruiz. Thank you, Mr. Chairman. I, first, would like
4276 to thank Representative McMorris Rodgers for working with me on
4277 the Training the next Generation of Primary Care Doctors Act.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4278 That really emboldens the teaching healthcare program. And I
4279 also would like to thank the chairman and committee staff for
4280 working with me to include elements of this bill, especially a
4281 very important change from previous reauthorizations of this very
4282 important program which makes logistical sense for the program
4283 itself.

4284 So we have heard that the family medicine programs of primary
4285 care residencies take 3 years to complete, yet previously we have
4286 been funding them at a 2-year level making it very precarious
4287 for residents to join a program of which they don't know if it
4288 is going to receive the necessary funding every 2 years. It makes
4289 it logistically impossible to start planning for growth within
4290 these programs if they only receive funding every 2 years. So
4291 adding the funding for 4 years is a great addition.

4292 It is a great victory to this program, a program which
4293 directly addresses the health disparities that we see in rural
4294 communities and underserved communities, because these programs
4295 exist in rural and underserved communities and this program has
4296 shown success in making sure that we train more primary care
4297 doctors in the locations of which they are needed the most.
4298 Residents who train in teaching health centers are more likely
4299 to stay at those teaching health centers for employment after
4300 their residency which means that they are more likely to stay
4301 in underserved rural areas.

4302 And given our overall physician shortage, especially the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4303 crisis that we have in underserved physician -- underserved rural
4304 areas with the physician shortage crisis, this bill is a necessary,
4305 proven solution to the physician shortage crisis that will
4306 alleviate pain, suffering, and promote wellness of all Americans
4307 throughout our great country.

4308 So I want to thank you for moving this ball forward. I want
4309 to thank you for continuing to find ways to add upon the successes
4310 that we have made. I want to thank you for looking into the funding
4311 issue, as Representative Welch as said, for future
4312 reauthorizations and I yield back my time.

4313 The Chairman. Thank you, Dr. Ruiz. Do we have any other
4314 Republicans that want to speak on the AINS? Any Democrats? Okay,
4315 we will start with Mr. Soto.

4316 Mr. Soto. Thank you, Mr. Chairman. I move to strike the
4317 last word.

4318 The Chairman. The gentleman is recognized.

4319 Mr. Soto. After what was a long day yesterday, it is great
4320 to see us coming together today and show we can still get the
4321 job done in a bipartisan fashion here in Congress on health care,
4322 energy, consumer protection, for jobs, for all Americans. And
4323 let this be a sign that, you know, if we work together there is
4324 nothing that this Congress can't achieve.

4325 I would like to also thank both you, Mr. Chairman, and my
4326 fellow Floridian Representative Gus Bilirakis, for working with
4327 me in a bipartisan fashion to move the Territories Health Care

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4328 Improvement Act forward for our fellow Americans in the
4329 territories. I would like to thank Ranking Member Walden,
4330 Chairwoman Eshoo, and Ranking Member Burgess for their bipartisan
4331 support and collaborative efforts to have the Territory Health
4332 Care Improvement Act included in this amendment.

4333 When you think about all the members of this Congress from
4334 our territories, Representative Plaskett, Gonzalez-Colon,
4335 Sablan, Radewagen, San Nicolas, as well as supporters such as
4336 Congresswoman Velazquez and other co-sponsors, it has been a long
4337 journey for a lot of those representing our territories and those
4338 areas of the countries that often have strong links. This
4339 legislation, in short, will right a longtime injustice to
4340 Americans in the territories as well as save lives there. Unlike
4341 the states whose federal medical assistance percentage, FMAP,
4342 is determined by its per capita income, the territories receive
4343 a fixed amount of federal funds in the form of block grants.
4344 While the FMAP for states can go as high as 83 percent for states
4345 that need it, the territories' matching rate is fixed at 55
4346 percent. Section 1108 of the Social Security Act further caps
4347 the amount territories are eligible to receive, thus restricting
4348 additional Medicaid funds that territories desperately need.

4349 This amendment would provide the territories with several
4350 years of increased federal funds. Puerto Rico's Medicaid
4351 allotment would be increased to approximately three billion per
4352 year for 4 years, which is huge. Allotments for the U.S. Virgin

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4353 Islands, Guam, American Samoa, and the Commonwealth of Northern
4354 Mariana Islands would be increased substantially to prevent future
4355 federal funding shortfalls for the next 6 years.

4356 This legislation is needed because the Commonwealth of
4357 Northern Mariana Islands has exhausted its ACA funds as well as
4358 all other sources of federal and local funds for its Medicaid
4359 programs -- and we have heard from Delegate Sablan about that
4360 -- while Guam and American Samoa are unable to generate the
4361 non-federal share required to draw down federal funds, which we
4362 have heard from their members as well. Additionally, the
4363 USVI will exhaust its Medicaid funding in 2020. This amendment
4364 could increase the territories' Medicaid cap to alleviate the
4365 shortcomings. Following the devastation caused by Hurricane
4366 Maria, many specialists and residents fled Puerto Rico. This
4367 was due to specialists not being able to be reimbursed through
4368 Medicaid, leaving patients unable to receive the care they
4369 desperately needed. The lack of sufficient Medicaid coverage
4370 and statutory caps also contributed to Puerto Rico's debt issues.
4371 By not having FMAP, they actually contributed to the
4372 reimbursements of medical specialists and patient needs.

4373 Puerto Rico has been forced to spend more of their already
4374 strained budget to meet required Medicaid standards, thus leading
4375 to many medical specialists and Medicaid-eligible patients
4376 fleeing the island to states where they could receive coverage
4377 and access to quality care. My home state of Florida, New York,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4378 New Jersey, are favored destinations for Puerto Ricans fleeing
4379 the Medicaid shortfalls.

4380 By passing this legislation we also help states by ensuring
4381 that the Medicaid systems that so many of our fellow citizens
4382 depend on are properly funded. However, following the news of
4383 corruption of officials in Puerto Rico, we know that merely funding
4384 the Medicaid systems in the territories is insufficient. We must
4385 also have stringent integrity measures to ensure the allocated
4386 funds reach our fellow citizens in need of medical assistance
4387 instead of lining the pockets of corrupt officials.

4388 I thank the Ranking Member Walden as well as my fellow
4389 Floridian Representative Bilirakis for their leadership in
4390 working with me and others on the committee for good governance
4391 amendments. This will ensure strong integrity measures are put
4392 in place to guarantee further corrupt actions of officials will
4393 not be tolerated moving forward. I thank you for all who
4394 participated in this amendment to safeguard the ability of fellow
4395 Americans in the territories to achieve the quality health care
4396 they are entitled to. Thank you again, Mr. Chairman. I yield
4397 back.

4398 The Chairman. Thank you, Mr. Soto. Anybody on the
4399 Republican side? I saw Mr. O'Halleran's hand was up.

4400 Mr. O'Halleran?

4401 Mr. O'Halleran. Mr. Chairman, I move to strike the last
4402 word.

4403 The Chairman. The gentleman is recognized.

4404 Mr. O'Halleran. I want to thank the chairman and the ranking
4405 member of this committee and the same with the subcommittees,
4406 their staffs, the members here and their staffs that have done
4407 such a great job on showing that we can work together on this
4408 critical piece of legislation. As other members, I am proud to
4409 have advocated for increased funding for community health centers
4410 and the National Health Service Corps during my time in Congress.

4411 Mr. Chairman, as you know, community health centers
4412 nationwide provide over 27 million Americans with affordable,
4413 accessible, and quality health care regardless of their ability
4414 to pay. Their reach is expansive. For example, they serve
4415 350,000 veterans nationwide. These programs have provided
4416 critical services to underserved, rural, and tribal communities
4417 for decades. In Arizona's 1st congressional district, eight
4418 federally funded health center organizations serve nearly 200,000
4419 patients. For example, the Sun Life Family Health Centers serves
4420 nearly 50,000 patients and has 11 centers in my district alone,
4421 including locations solely dedicated to women and children.
4422 Their impacts are tremendous.

4423 I am disappointed that the final version of the bill provides
4424 lower funding than my introduced legislation, the CHIME Act,
4425 though I recognize that this amendment includes the highest
4426 funding levels and the longest extension since the Affordable
4427 Care Act became law, providing certainty to providers across

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4428 Arizona and the nation. I am also pleased that this has been
4429 a bipartisan endeavor and there is support on both sides of the
4430 aisle for longer term extension. But let me be clear. In the
4431 future, I remain committed to ensuring that these programs have
4432 the necessary funding they need to continue to provide vital
4433 services for Americans for decades to come.

4434 I am also proud to have introduced two pieces of legislation
4435 that aim to improve the lives of millions of Americans by
4436 reauthorizing the Special Diabetes Program and the Special
4437 Diabetes Program for Indians. SDPI has proven to be successful
4438 at curbing diabetes across Indian country where American Indian
4439 and Alaskan Native adults are twice as likely to suffer from the
4440 disease. SDPI has been instrumental in improving health outcomes
4441 in native communities as diabetes rates among American Indians
4442 and Alaskan Natives have declined by 54 percent since 1998.
4443 Numbers this significant demonstrate the program's value to
4444 communities across the country and the overall public health.
4445 It also demonstrates that the will of Congress does bring about
4446 results.

4447 While I applaud the committee for moving this legislation
4448 through committee, I want to emphasize that this is just one step
4449 in a long journey to improve preventive care and treatment. While
4450 the program has proven valuable, the prevalence of the disease
4451 remains highest among American Indians and Alaska Natives. We
4452 must work to address other contributing factors. Driven by

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4453 additional challenges from food deserts to lack of access to care,
4454 I remain committed to working with all of you, my colleagues on
4455 both sides of the aisle, to improve outcomes for all Americans.

4456 In my 2-1/2 years here now it has been such a pleasure to
4457 watch how this group has come together with the leadership provided
4458 by the chairman and the ranking member to find common ground.
4459 And I yield.

4460 The Chairman. Thank you, Mr. O'Halleran.

4461 So we are still on the AINS. Anyone else want to speak on
4462 the AINS because we still have five amendments to the AINS. All
4463 right, so I guess we are going to go to the amendments to the
4464 AINS. Any members who seek recognition to offer an amendment
4465 to the amendment in the nature of a substitute?

4466 Mr. Walden. Mr. Chairman?

4467 The Chairman. Yes, I recognize the ranking member.

4468 Mr. Walden. I have an amendment at the desk.

4469 [The Amendment offered by Mr. Walden follows:]

4470

4471 *****INSERT 41*****

4472 Mr. Walden. Territory 01, I am told.

4473 The Clerk. Amendment to the amendment in the nature of a
4474 substitute to H.R. 2328 offered by Mr. Walden of Oregon.

4475 The Chairman. Without objection, the reading of the
4476 amendment will be dispensed with and the gentleman from Oregon
4477 is recognized for 5 minutes.

4478 Mr. Walden. Thank you, Mr. Chairman. As we know, funding
4479 for the territories expires September 30th and the result of such
4480 an expiration would have a devastating effect on the program in
4481 each of the territories. It was my commitment at our hearing
4482 last month that we work together in a bipartisan way to find a
4483 sustainable solution that avoids this hit on September 30th.
4484 The bill before us today meets those requirements.

4485 So I want to thank Mr. Soto and Mr. Bilirakis for their
4486 important work on this issue. I would also like to thank the
4487 territories' delegates here in the House. Their tireless work
4488 on behalf of their constituents has proven invaluable to me and
4489 to my staff. I am also thankful to Chairman Pallone and Chairwoman
4490 Eshoo for their partnership and willingness to work together on
4491 these and so many other matters so that we could put forward a
4492 bold package that will ensure that the territories' Medicaid
4493 programs are adequately funded and that these programs will have
4494 program integrity measures in place. This heightened
4495 accountability is critically important to ensure these dollars
4496 go to the people who need them most.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

4497 Now with that said, given the news out of Puerto Rico last
4498 week, we all agree that additional program integrity measures
4499 are needed before we advance this bill to the floor. My amendment
4500 does just that. It adds these additional measures for Puerto
4501 Rico to ensure that the wholesale fraud that has taken place is
4502 not something that can continue moving forward.

4503 My amendment adds the following program integrity measures
4504 for Puerto Rico to meet as well as incorporates TA, technical
4505 assistance, from the agency on the base bill. If Puerto Rico
4506 fails to meet a single one of these, we will be hard pressed to
4507 discuss additional enhanced funding once these 4 years of funding
4508 come to a close.

4509 So number one, beginning 1 year after the date of enactment,
4510 Health and Human Services Office of Inspector General shall audit
4511 areas of the Puerto Rico Medicaid program that it considers to
4512 be high risk for waste, fraud, or abuse, such as contracting
4513 protocols, inappropriate denials of care, and financial
4514 management. Number two, not later than 1 year after the date
4515 of enactment, HHS's Office of Inspector General shall develop
4516 a work plan to audit and/or investigate contracting practices
4517 related to the Puerto Rico Medicaid program.

4518 Number three, not later than 2 years after the date of
4519 enactment, GAO shall issue a report on contracting oversight and
4520 approval for the Puerto Rico Medicaid program. That report shall
4521 examine Puerto Rico's process for evaluating bids and awarding

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4522 contracts including which contracts are not subject to competitive
4523 bidding or requests for proposals, CMS oversight of contracts,
4524 and any recommendations to HHS, Congress, or Puerto Rico for
4525 changes necessary to improve program integrity.

4526 Number 4, Puerto Rico must establish and maintain a tracking
4527 system for all federal funds disbursed. It should include initial
4528 fund balance, each request for federal funds, and the remaining
4529 fund balance. It should be broken out by quarter for each federal
4530 fiscal year and it must be reported to CMS every quarter.

4531 And five, Puerto Rico must make available to CMS, upon
4532 request, all documentation related to the awarding of contracts
4533 related to the Medicaid program. Now with this amendment, and
4534 the underlying policy, we can ensure that our territories are
4535 properly funded for the years to come and that these dollars are
4536 actually serving the people they are intended to serve, so I urge
4537 adoption of my amendment.

4538 And, Mr. Chairman, I do have prepared remarks from our
4539 delegate from Puerto Rico, Congresswoman Jennifer
4540 Gonzalez-Colon, which I would like to enter into the record.
4541 And again she has been a terrific advocate for Puerto Rico and
4542 has been very helpful in getting us to this point and I greatly
4543 value her input and counsel as I know other members on the committee
4544 do as well. So, without objection, Mr. Chairman, if we could
4545 add her prepared statement.

4546 The Chairman. Without objection, the gentlewoman from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4547 Puerto Rico's statement will be included in the record.

4548 [The information follows:]

4549

4550 *****COMMITTEE INSERT*****

4551 Mr. Walden. And with that, Mr. Chairman, I yield back the
4552 balance of my time and ask for support on my amendment.

4553 The Chairman. Thank you. Let me recognize myself to speak
4554 in support of the amendment to the AINS sponsored by the ranking
4555 member.

4556 Last week, we were all shocked and troubled by the allegations
4557 of misconduct by some of the individuals involved with the Puerto
4558 Rico Medicaid program. As my friend, the ranking member, and
4559 I said last week at the subcommittee markup, the news of these
4560 allegations broke the day before the markup and there wasn't enough
4561 time to address the issues raised by the allegations in the bill
4562 we were considering. But we agreed to work together on a
4563 bipartisan basis to address the concerns we both had about the
4564 program integrity in the Puerto Rico Medicaid program, and I think
4565 the ranking member's amendment does just that. It makes common
4566 sense improvements to strengthen the oversight, accountability,
4567 and integrity of the Medicaid program in Puerto Rico. Increased
4568 audits, oversight, and reporting will help to ensure that federal
4569 Medicaid dollars are serving their intended purpose of helping
4570 to improve access to health care for people in need. And I
4571 think that is what is really important here. As we discussed
4572 last week, there are no allegations that beneficiaries did
4573 anything wrong, but they are the ones who will suffer if we fail
4574 to act to ensure the integrity of the program. So I am glad we
4575 were able to reach an agreement that preserves the package

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4576 introduced by Representatives Soto and Representative Bilirakis,
4577 and the increased funds and matching rates in their bill will
4578 help avert a humanitarian disaster. People in the
4579 territories are counting on us to make sure that Medicaid programs
4580 don't go off the funding cliff, but we also have an obligation
4581 to ensure that the additional funds serve their intended purpose
4582 of improving access to health care. It is our responsibility
4583 as the committee of jurisdiction for Medicaid to ensure that we
4584 are improving access to care while being good stewards of taxpayer
4585 dollars and this amendment ensures that we are doing that.

4586 So for this reason, I support the gentleman's amendment and
4587 I urge my colleagues to do the same and I yield back. Would anybody
4588 else like to comment on the Walden amendment? If not, we will
4589 vote on it. And this is an amendment to the AINS.

4590 All those in favor of the Walden amendment will signify by
4591 saying aye.

4592 All those opposed will signify by saying no.

4593 In the opinion of the chair, the ayes have it and the amendment
4594 is agreed to. Do we have anymore -- we have other amendments
4595 to the AINS? Does anyone else -- you want to do the gentlewoman
4596 from New Hampshire? Do you want me to go next? All right, I
4597 have a technical memo we will do before we do the New Hampshire
4598 amendment. Mine is FCTA 01, technical changes.

4599 [The Amendment offered by The Chairman follows:]

4600

4601

*****INSERT 42*****

4602 The Chairman. Do you have it?

4603 The Clerk. Amendment to the amendment in the nature of a
4604 substitute to H.R. 2328 offered by Mr. Pallone. Page 36 --

4605 The Chairman. Without objection, the reading of my
4606 amendment will be dispensed with. Do we even need to comment
4607 on it? I don't think so. I don't think anybody has any objection,
4608 so we will just move to a vote on my amendment to the AINS.

4609 All those in favor of the amendment will signify by saying
4610 aye.

4611 All those opposed will say no.

4612 And the amendment to the AINS is adopted. Now we are supposed
4613 to go to -- the gentleman from Montana is recognized.

4614 Mr. Gianforte. Thank you, Mr. Chairman. I have an
4615 amendment at the desk.

4616 [The Amendment offered by Mr. Gianforte follows:]

4617

4618 *****INSERT 43*****

4619 The Chairman. The clerk has it?

4620 The Clerk. Yes, sir.

4621 The Chairman. The clerk will report the gentleman's
4622 amendment.

4623 The Clerk. Amendment to the amendment in the nature of a
4624 substitute to H.R. 2328, offered by Mr. Gianforte.

4625 The Chairman. Without objection, the reading of the
4626 amendment will be dispensed with and the gentleman from Montana
4627 is recognized in support of his amendment.

4628 Mr. Gianforte. Thank you, Mr. Chairman. I am encouraged
4629 that we have worked together and across the aisle to reauthorize
4630 so many vital public health programs. All of the bills we are
4631 working on today are important to ensure that all Montanans have
4632 access to quality healthcare, especially folks in our rural
4633 communities.

4634 We need to reach a bipartisan solution to end surprise
4635 billing. I have heard from many Montanans about this issue, both
4636 patients and providers. Too many Montanans are getting their
4637 mail and finding an unexpected and outrageous bill for healthcare.

4638 Just last month, a woman in Ekalaka reached out to me. She
4639 was surprised when she received a \$70,000 bill from a small Montana
4640 hospital. She had no idea how this had come about or how to handle
4641 the situation. This has to stop.

4642 I often hear from providers in Montana that Washington
4643 doesn't understand the needs of our rural communities. We need

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4644 to ensure that all patients who are trying in good faith to work
4645 through our convoluted system to receive care and pay their bills
4646 are not victimized when providers and insurers can't agree. At
4647 the same time, we need to ensure we aren't harming rural providers
4648 in the process.

4649 That is why I am introducing this amendment. The amendment
4650 simply ensures that the Secretary of Health and Human Services
4651 takes rural America, where too many are underserved, into account
4652 when setting in-network benchmark rates. I urge my colleagues
4653 to sort -- support this amendment. We need to make sure that
4654 rural communities are not lost in this process.

4655 I look forward to working with all of you to end the practice
4656 of surprise billing and reauthorize these critical programs.

4657 And with that, Mr. Chairman, I yield back the remainder of
4658 my time.

4659 The Chairman. I thank the gentleman.

4660 Does anyone else want to speak on Mr. Gianforte's amendment?
4661 Mr. Butterfield is recognized for 5 minutes.

4662 Mr. Butterfield. Thank you very much, Mr. Chairman. Mr.
4663 Chairman, and to the ranking member, thank you for your work on
4664 this bipartisan solution to the problem of surprise medical bills.

4665 I am continuing to hear, Mr. Chairman, as I said in our last
4666 markup, from providers in my district who are concerned that
4667 setting a benchmark rate could impede access to care in rural
4668 communities. That is a fact.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4669 Mr. Gianforte's statement, which I am pleased -- amendment,
4670 which I am pleased to cosponsor, will allow the Secretary of HHS
4671 and the Secretary of Labor to consider rural and underserved areas,
4672 including health professional shortage areas when developing the
4673 benchmark methodology included in this bill. There has been a
4674 reduction in local access to care. This is why the inclusion
4675 of this amendment is so very important for rural districts like
4676 mine and like the gentleman from Montana.

4677 And so I urge my colleagues to support this amendment, please
4678 support this amendment, to ensure that access to care in rural
4679 communities is protected.

4680 Thank you for the time. I yield back.

4681 The Chairman. I thank the gentleman from North Carolina.
4682 The gentleman from Indiana.

4683 Mr. Bucshon. Thank you, Mr. Chairman. I move to strike
4684 the last word. I will be brief.

4685 I want to speak in support of the amendment. And, you know,
4686 in many areas of rural America the Medicare reimbursement is lower
4687 than it is in other parts of the country. And as we know, a lot
4688 of times that falls into the private, you know, commercial
4689 insurance rates. And so I think it is very important with what
4690 we are about to do on surprise medical billing that we take into
4691 strong consideration what is happening in rural America, and make
4692 sure that every American has access to quality, affordable care,
4693 and also is not subjected to surprise medical bills.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

4694 I yield back.

4695 The Chairman. Dr. Ruiz is recognized.

4696 Mr. Ruiz. Yes, thank you, Mr. Chairman. I want to associate
4697 myself with Representative G.K. Butterfield's comments and
4698 concerns about rural and underserved areas. I want to thank
4699 Representative Gianforte and Butterfield working together in a
4700 bipartisan manner. I support this amendment.

4701 I yield back.

4702 The Chairman. I thank the gentleman. It is the rural, rural
4703 day here.

4704 Oh, I am sorry, is there someone on the Republican side that
4705 wants to speak on this? And we will go to the gentleman from
4706 Iowa.

4707 Mr. Loeb sack. Thank you, Mr. Chairman. I didn't plan to
4708 speak on this, but this is such a great amendment I do want to
4709 second it. Thank you, Mr. Gianforte. And I want to associate
4710 myself with all the comments that were made by the previous
4711 speakers.

4712 Being from Iowa, being from a rural part of America, we
4713 experience the same problems that all the other folks that all
4714 the other folks who have already spoken have. And so thank you
4715 very much, and I just want to second your thoughts. And I do
4716 support the amendment. I hope all of us do.

4717 Thank you. And I yield back.

4718 The Chairman. Thank you. Anyone else on the Gianforte

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4719 amendment?

4720 [No response.]

4721 The Chairman. All right. So, this is an amendment to the
4722 AINS. We will proceed to a vote.

4723 All those in favor of the amendment by Mr. Gianforte will
4724 signify by saying aye.

4725 All those opposed will say no.

4726 In the opinion of the chair, the ayes have it, and the
4727 amendment to the AINS is agreed to.

4728 We have more amendments to the AINS; right?

4729 The Clerk. Yes, sir.

4730 The Chairman. Congresswoman Matsui is recognized.

4731 Ms. Matsui. Yes, Mr. Chairman. I have an amendment at the
4732 desk.

4733 [The Amendment offered by Ms. Matsui follows:]

4734

4735 *****INSERT 44*****

4736 The Chairman. Does the clerk have that amendment?

4737 The Clerk. Yes, sir.

4738 The Chairman. The clerk will report the amendment.

4739 The Clerk. Amendment to the amendment in the nature of a
4740 substitute to H.R. 2328 offered by Ms. Matsui.

4741 The Chairman. Without objection, the reading of the Matsui
4742 amendment will be dispensed with. And the gentlewoman from
4743 California is recognized for 5 minutes.

4744 Ms. Matsui. Thank you, Mr. Chairman. I am supportive of
4745 the critical steps that the No Surprises Act takes to protect
4746 patients from surprise medical bills. I am also proud of the
4747 urgent action this committee has taken to correct critical gaps
4748 in consumer protection that until now have left too many American
4749 families footing the bill for a fundamental failure in the
4750 healthcare markets.

4751 Throughout this process I have worked to preserve an
4752 equitable balance between providers and insurers when it comes
4753 to procuring fair reimbursement for services. I thank the
4754 committee for supporting changes by creating more predictable
4755 payment rate for providers and require greater transparency from
4756 insurers.

4757 My amendment today requires that a provider acuity level
4758 and case mix are taken into consideration when determining the
4759 appropriate amount to be paid by insurers. Caring for patients
4760 at highly specialized and higher acuity settings comes with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4761 different challenges. Trauma centers and teaching hospitals,
4762 for example, often treat complex emergency cases that require
4763 different level of resources to optimally care for injuries.

4764 In addition to looking at similar services, specialties,
4765 and geographic regions in determining median contractor rates
4766 as required in the underlying bill, my amendment will help ensure
4767 that highly specialized sites of care can remain financially
4768 strong in the changing healthcare reimbursement landscape.

4769 I thank my colleague in this amendment, Ranking Member
4770 Burgess, and I urge my colleagues to support this change and the
4771 vital patient protections from surprise medical bills included
4772 in the underlying bill.

4773 Thank you, and I yield back.

4774 The Chairman. The Matsui Amendment to the AINS. Dr.
4775 Burgess is recognized.

4776 Mr. Burgess. Move to strike the last word.

4777 This is a common sense amendment, and it will improve upon
4778 the benchmark included in the bill as it passed through the Health
4779 Subcommittee. It allows for the benchmark methodology to take
4780 into consideration relevant payment adjustments that account for
4781 facility type, and that would include higher acuity settings and
4782 case sites. Patients require different levels of care, and if
4783 facilities or physicians are providing a higher acuity of care,
4784 they should be eligible, that should be eligible for consideration
4785 in the establishment of a benchmark.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

4786 I urge members support this bipartisan amendment. And I
4787 yield back.

4788 The Chairman. Thank you, Dr. Burgess.

4789 Dr. Ruiz.

4790 Mr. Ruiz. Thank you, Mr. Chairman. I agree with this
4791 amendment wholeheartedly. I want to thank Representative Matsui
4792 and Representative Burgess for working together in a bipartisan
4793 manner. It is very common that in rural and underserved
4794 communities the type of hospital you have, which are usually the
4795 only type of healthcare hospital in the entire region, are tertiary
4796 care, trauma centers that see pediatrics, OB/GYN, and have a very
4797 broad case mix. And right now we have problems with hospitals
4798 shutting down in rural areas.

4799 So, I think this would help tease out the relativeness of
4800 the types of different hospitals available, and match apples to
4801 apples instead of apples to oranges that we can do our logistic
4802 regressions and account for these higher acuity hospitals when
4803 determining median in-network payments.

4804 So, I appreciate the effort. And I support this. And I
4805 yield back.

4806 The Chairman. Thank you. We have all the doctors today.

4807 Dr. Bucshon.

4808 Mr. Bucshon. Don't you love it.

4809 I want to speak in favor of this amendment. I want to thank
4810 Congresswoman Matsui and Congressman Burgess for offering it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4811 Acuity of care is very important when considering payment levels
4812 for providers. And I support the amendment, and I hope everyone
4813 else will support the amendment.

4814 I yield.

4815 The Chairman. Thank you. Anyone else on the Matsui
4816 amendment?

4817 [No response.]

4818 The Chairman. All right. We are going to go to a vote.

4819 All those in favor of the Matsui amendment to the AINS will
4820 signify by saying aye.

4821 All those opposed will say no.

4822 In the opinion of the chair, the ayes have it, and the
4823 amendment is agreed to.

4824 Now we are going to go to Ms. Kuster, who has another amendment
4825 to the AINS.

4826 [The Amendment offered by Ms. Kuster follows:]

4827

4828 *****INSERT 45*****

4829 The Chairman. Does the clerk have that? The clerk will
4830 report the amendment.

4831 The Clerk. Amendment to the amendment in the nature of a
4832 substitute to H.R. 2328 offered by Ms. --

4833 The Chairman. Without objection, the reading of the
4834 amendment will be dispensed with, and the gentlewoman from New
4835 Hampshire is recognized for 5 minutes.

4836 Ms. Kuster. Thank you, Mr. Chairman. I would first like
4837 to commend your leadership on the underlying legislation and
4838 acknowledge the incredible work on both sides of the aisle that
4839 we have achieved thus far in this committee to ensure that patients
4840 are not left with surprise medical bills.

4841 My home state of New Hampshire has been a leader in this
4842 area by passing a comprehensive law that protects Granite Staters
4843 from surprise billing by out-of-network providers at in-network
4844 facilities. Working in tandem with surprise billing protections,
4845 the New Hampshire approach includes network adequacy rules to
4846 ensure that insurance companies can actually provide access to
4847 their services that their policies cover.

4848 As I am sure many of my colleagues who represent rural
4849 districts are all too well aware, network adequacy is especially
4850 important where time and distance to providers play a critical
4851 role in access to care. One of the concerns that we have
4852 consistently heard from the provider community regarding this
4853 legislation is the fear that they would lose their negotiating

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4854 leverage with plans. They ask again and again, why would an
4855 insurer negotiate when they know they will only have to pay a
4856 certain rate for a service?

4857 We want to make sure we are not exacerbating some of the
4858 issues that rural communities continually face: limited access
4859 to affordable care due to narrow networks. We should strike a
4860 balance and ensure that while we are removing the incentives for
4861 providers and insurers alike to game the system through balanced
4862 billing we are not inadvertently creating new incentives that
4863 would encourage plans to simply narrow their networks if they
4864 don't get the contracted rate they want.

4865 My amendment, which I am proud to offer with my colleague
4866 and friend Representative Susan Brooks from Indiana, directs the
4867 Secretary of Health and Human Services to conduct a study examining
4868 network adequacy, taking into account maximum time and distance.

4869 In short, we should be able to judge the effectiveness of
4870 insurance networks so that we can say with confidence that our
4871 work here lowers the cost of care without limiting access,
4872 especially in rural America.

4873 And with that, I yield back.

4874 The Chairman. I thank the gentlewoman from California is
4875 -- I mean Indiana -- is recognized.

4876 Mrs. Brooks. Pretty far away. But I move to strike the
4877 last word. Great states though, both of them.

4878 Thank you, Mr. Chairman, and thank you to the Chairwoman

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4879 Eshoo and Ranking Member Burgess, and special thanks to my friend
4880 Representative Kuster for introducing this amendment.

4881 According to a national opinion research center study, more
4882 than half of American adults have received a surprise medical
4883 bill. Two-thirds of Americans who have filed for bankruptcy cite
4884 medical debt as a contributing factor. Out-of-pocket costs for
4885 patients have risen dramatically in recent years, and don't seem
4886 to be slowing down. We have been hearing for such a long time
4887 how patients have been stuck in the middle and suffer from surprise
4888 billing.

4889 There isn't always a clear path forward on how to approach
4890 this complex facet of healthcare system. Whatever our solution,
4891 I believe it's critical we evaluate and continue to reevaluate
4892 the efficacy of the policies we are moving forward. That is why
4893 I am proud to co-lead this important amendment which will require
4894 HHS to conduct an annual study in the next 5 years on the effects
4895 of premiums and out-of-pocket costs that this bill will have should
4896 it pass into law. The study will also review the adequacy of
4897 providers networks in the individual and small group health plans.

4898 I commend the committee, the many stakeholders, and all who
4899 have reached out to all of us to provide input on this legislation.

4900 This study will help future lawmakers evaluate and adjust the
4901 policy we are putting forward today. Ultimately, we have to
4902 continue to keep the patient foremost in mind as we work together
4903 to fix this broken healthcare system where surprise billing is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

4904 so common.

4905 I yield back.

4906 The Chairman. I thank the gentlewoman.

4907 Anyone else want to speak on the Kuster amendment? If not,
4908 we will go to a vote.

4909 [No response.]

4910 The Chairman. All those in favor of the amendment offered
4911 by the gentlewoman from New Hampshire will signify by saying aye.

4912 All those opposed will say no.

4913 In the opinion of the chair, the ayes have it, and the
4914 amendment to the AINS is agreed to.

4915 Now we go to the gentlewoman from Delaware is recognized.

4916 She has an amendment to the AINS.

4917 Ms. Blunt Rochester. I have an amendment at the desk, Mr.
4918 Chairman.

4919 [The Amendment offered by Ms. Blunt Rochester follows:]

4920

4921 *****INSERT 46*****

4922 The Chairman. You have it? The clerk will report the
4923 amendment.

4924 The Clerk. Amendment to the amendment in the nature of a
4925 substitute to H.R. 2328 offered by Ms. Blunt Rochester of Delaware.

4926 The Chairman. Without objection, the reading of the
4927 amendment will be dispensed with.

4928 The gentlewoman from Delaware is recognized for 5 minutes.

4929 Ms. Blunt Rochester. Thank you, Mr. Chairman. And first
4930 I want to thank you and Ranking Member Walden, and all of the
4931 members of this committee. And I join with my colleagues in saying
4932 how good it is to be a part of something that is this important
4933 to the American people and also bipartisan, and that the stellar
4934 reputation of this committee is warranted. And I am proud to
4935 be a member of it.

4936 I have heard from many stakeholders in my home state of
4937 Delaware about the surprise billing legislation. Many are
4938 excited and support this bill. Others are more apprehensive.
4939 They shared with me their support for eliminating surprise
4940 billing, but also their worries about how this law could impact
4941 them, our state, and some of our most vulnerable communities in
4942 both Delaware and across the country.

4943 I have listened to them, and I think their concerns are
4944 understandable. Any changes can be difficult and often
4945 uncertain. However, one thing is certain: we need to fix surprise
4946 billing, and to protect the American people.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4947 I am offering an amendment to require the Government
4948 Accounting Office to do -- Government Accountability Office to
4949 do a study on the impact this bill has had once it is enacted.

4950 This study will allow us to see what changes have actually
4951 occurred, and make sure the bill has had its intended effect.
4952 We will be able to actually learn what the data shows about whether
4953 more patients are finding themselves in out-of-network
4954 situations, and whether there have been changes in provider
4955 availability in rural and medically underserved communities.

4956 Additionally, the GAO study will tell how much grant funding
4957 states have received for all payer claims databases, what they
4958 have done with that money, and how they have used the data they
4959 have collected. I am pleased that our committee is willing to
4960 take a bold and bipartisan step to protect patients from surprise
4961 bills. And I believe that it is our responsibility to analyze
4962 the effects of this law, that this law will have.

4963 I also want to thank my colleague Mr. Mullin for joining
4964 me in offering this amendment. And I urge my colleagues to vote
4965 in support of it.

4966 I yield back.

4967 The Chairman. I thank the gentlewoman.

4968 Does, does Mark? No?

4969 Mr. Mullin. Yes. I move to strike the last word, Mr.
4970 Chairman.

4971 The Chairman. The gentleman from Oklahoma is recognized.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4972 Mr. Mullin. Well, thank you, Mr. Chairman. This amendment
4973 ensures that Congress is striking the right balance between
4974 oversight and limited government. I would like to commend my
4975 colleagues for taking a balanced approach to this legislation
4976 that will not only protect patients but strengthen our healthcare
4977 system. Patients deserve certainty on what it is going to cost
4978 when they go to healthcare providers.

4979 Rural communities, like the one I live in, face unique
4980 challenges when it comes to healthcare. Sometimes that means
4981 we have to drive an hour or even go across state lines to our
4982 closest hospital. This amendment helps ensure rural areas are
4983 not left behind and that they get the relief they need.

4984 I am proud to once again join my colleague Ms. Rochester,
4985 who we have spent time together, really enjoy her company. She
4986 is, I found out she was actually not even that far different on
4987 a lot of policies when we spent some time speaking at schools.

4988 In fact, we're more alike than Joe Kennedy. He is really liberal.
4989 We can't -- no, I am kidding. Not at all, actually.

4990 But I am proud to, I am proud to join you in this amendment.
4991 It is good to work with someone that we get along with so good.
4992 And, hopefully, we can move this forward.

4993 I yield back.

4994 The Chairman. I thank the gentleman. Anyone else?

4995 Mr. O'Halleran.

4996 Mr. O'Halleran. Motion to strike the last word.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

4997 Mr. Chairman, I would like to speak in support of the
4998 gentlelady's amendment that would require the GAO to submit a
4999 report to the Congress on the legislation's impacts on provider
5000 shortages in rural and medically underserved areas.

5001 Throughout this process I, and others, have been concerned
5002 with potential effects of the so-called benchmarking approach.

5003 So I am pleased to see this amendment, as well as the amendment
5004 offered by Dr. Ruiz, that -- to curb these potential effects for
5005 rural and medically underserved areas, particularly at a time
5006 when many communities nationwide are suffering from physician
5007 shortages.

5008 In the 1st District of Arizona, the Cobre Valley Regional
5009 Medical Center is a critical access hospital located in
5010 Globe-Miami. The center has been attempting to recruit a general
5011 surgeon for a year-and-a-half. They have also been attempting
5012 to hire a neurologist and an ENT specialist, with negative results.

5013 The problem is that Cobre and other hospitals simply cannot find
5014 providers willing to relocate. And if they do find them, they
5015 must pay them a premium rate, a rate much higher than hospitals
5016 in urban areas.

5017 This is why I strongly support this amendment. It is a
5018 prudent, common sense amendment that would allow Congress to be
5019 well informed of the law's implications and, therefore, better
5020 serve Americans nationwide.

5021 And I yield back.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5022 The Chairman. I thank the gentleman. Although I don't know
5023 why they can't get people, because I think it is awful nice there
5024 where you are. Well, whatever.

5025 So, we have the gentlewoman from Delaware's amendment.
5026 Anyone else on that? If not, we will have a vote.

5027 [No response.]

5028 The Chairman. All those in favor of the amendment sponsored
5029 by the gentlewoman from Delaware will signify by saying aye.

5030 All those opposed will say no.

5031 In the opinion of the chair the ayes have it, and the amendment
5032 is adopted.

5033 Next we have an amendment to the AINS from Mr. Lujan who
5034 is recognized.

5035 [The Amendment offered by Mr. Lujan follows:]

5036

5037 *****INSERT 47*****

5038 The Chairman. Do you have it?

5039 Mr. Lujan. Thank you, Mr. Chairman. During last week's
5040 subcommittee market of the No Surprises Act --

5041 The Chairman. Wait a minute. I'm sorry. We have to have
5042 the clerk report it. You have it? All right, go ahead.

5043 The Clerk. Amendment to the amendment in the nature of a
5044 substitute to H.R. 2328 offered by Mr. Lujan of New Mexico.

5045 The Chairman. Without objection, the reading of the
5046 amendment is dispensed with. And the gentleman from New Mexico
5047 is recognized for 5 minutes.

5048 Mr. Lujan. Thank you, Mr. Chairman. During last week's
5049 subcommittee markup of the No Surprises Act, Chairman Pallone
5050 and Ranking Member Walden agreed to work with me to strengthen
5051 provisions regarding the transparency in air ambulance billing.

5052 I want to thank the chairman and ranking member for following
5053 through on this important commitment.

5054 Today I am introducing an amendment to the No Surprises Act
5055 to require full and comprehensive transparency from both air
5056 ambulance providers and health insurance companies. Through many
5057 conversations about why billing by air ambulances can be
5058 egregious, I was told this practice was due to a lack of transparent
5059 data and subsequently low Medicare and Medicaid reimbursement
5060 rates.

5061 Well, then let's go to the source. Let's require this data
5062 to be reported, and let the numbers speak for themselves. This

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5063 amendment will do just that. It will require air ambulance
5064 providers to report cost data to the Department of Health and
5065 Human Services. It will require insurance companies to submit
5066 all claims data to HHS. Additionally, it will require the
5067 secretary of HHS and the Government Accountability Office to
5068 provide two separate and independent reports on this data to
5069 Congress.

5070 While I plan to continue to investigate additional action
5071 that can be taken to strengthen governance of the industry on
5072 behalf of constituents, I believe this amendment takes action
5073 to address the lack of transparency in air ambulance billing,
5074 and takes a necessary step to prevent surprise billing by air
5075 ambulances.

5076 I urge my colleagues to support this amendment. And I yield
5077 back.

5078 Mr. Guthrie. Will the gentleman yield?

5079 Mr. Lujan. I would yield to the gentleman as well, Mr.
5080 Guthrie.

5081 Mr. Guthrie. Thank you very much. I thank the gentleman
5082 for yielding. And I will speak in support of your amendment.

5083 I want to thank my friend from New Mexico on your efforts
5084 to ensure we have proper data. I have, my one experience, I had
5085 someone contact me that had a over \$30,000 bill. And he was just
5086 trying to figure out what the, what the right number should be
5087 before he paid the bill. And it was hard to get to the numbers.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5088 And I met with several groups that represent the services.
5089 And the point that you made that we don't know exactly what
5090 Medicare and Medicaid pays, the underpayment of that is what forces
5091 some of the other. So I think it is vitally important that we
5092 find out exactly what those numbers are and address it, and make
5093 sure that we have the proper payment. Whether it is one way or
5094 the other, we need to know the right answer.

5095 And I believe that your amendment gets us in that direction,
5096 and I urge my colleagues to support it.

5097 Mr. Lujan. Thank you. Mr. Chairman, thank you very much.
5098 Mr. Guthrie, thank you always for your leadership, it is always
5099 an honor to partner with you. And, again, thank you to Chairman
5100 Pallone and Ranking Member Walden.

5101 And with that, I yield back.

5102 The Chairman. Thank you. Does anyone else want to speak
5103 on the Lujan amendment?

5104 Well, wait a minute, Mr. Guthrie, did you already speak or
5105 do you want your own time?

5106 Mr. Guthrie. I spoke on the amendment.

5107 The Chairman. You're okay. All right. Well, we will ask
5108 Mr. Ruiz and then we will go to Ms. Eshoo.

5109 Mr. Ruiz. Thank you. Thank you, Mr. Chairman. I was a
5110 flight physician for STAT MedEvac and Medical Command for the
5111 City of Pittsburgh. Representative Doyle knows STAT MedEvac very
5112 well. It has the most air medical transportation flights and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5113 landings on helipads aside from the Pentagon. And I have seen
5114 some very critical patients out in the field from traumas in rural
5115 areas, hard-to-reach areas. And I know firsthand that they
5116 provide an incredible, an incredible value to our nation and the
5117 American public's health.

5118 In emergency care, especially in rural areas, if you do not
5119 get to the cardiac catheterization lab within a certain time frame,
5120 the muscles in your heart die after an ischemic episode. And
5121 you will have long-lasting, permanent disabilities. If you don't
5122 get to an interventional radiologist or a stroke center within
5123 a certain amount of time then your brain cells will die due to
5124 an ischemic episode, which will augment a lifetime of permanent
5125 disability when, in fact, you could have prevented that by getting
5126 to those locations in a timely manner.

5127 In addition to not only saving life and saving costs through
5128 reducing morbidity and long-term disability, the air medical
5129 community is our last chance in case of disaster. When there
5130 is a disaster, an earthquake, or rubble, who do you think is going
5131 to come to the rescue of the American people to lift them out
5132 and take them to the appropriate locations? I know that it is
5133 the air medical ambulance community because I have seen it done
5134 in other areas, and I have seen the important value it -- the
5135 important value of that, and that we should not discount that
5136 value, not only in the way that we work with the air medical
5137 transportation community, but also when we value the way we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5138 calculate what is fair in terms of reimbursement.

5139 I introduced a bill last Congress, and I am working through
5140 a bill with other members of this committee, but the bill last
5141 Congress was called Ensuring Access to Air Ambulance Services
5142 Act. And the air ambulance community basically are very willing
5143 to share the information and the data.

5144 In fact, it is part of that bill that there would be a
5145 long-term study of transparency in terms of cost so that everybody
5146 understands how much it actually costs, and so people can
5147 understand the percentage of that reimbursement that goes on.
5148 Because as of now it is unsustainable. And we need transparency.
5149 We need data. We need the information. We need to help rural
5150 communities like those in New Mexico.

5151 And we need to make sure that patients don't bear the brunt
5152 of that cost, and we need a fair, value-based system for
5153 reimbursement for that very valuable industry in our nation that
5154 saves lives and prevents permanent disability for thousands of
5155 Americans, if not millions.

5156 I yield back my time.

5157 The Chairman. I thank the gentleman. Anyone on the
5158 Republican side? If not, we go to Chairwoman Eshoo. You had
5159 a question?

5160 Ms. Eshoo. Yes, Mr. Chairman. Thank you for recognizing
5161 me. I move to strike the last word.

5162 I just want to make a couple of comments given the comments

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5163 that have been made. I don't think there is -- there isn't anyone
5164 here that is carrying a brief to diminish emergency services for
5165 anyone in the country, wherever they are, especially in rural
5166 areas of our country. So, no one is carrying that brief.

5167 What came up in the hearing at the Health Subcommittee under
5168 the very tough questioning of Mr. Lujan were the costs of the
5169 service. So, and that was a legitimate tough line of questioning.

5170 And to our government reimbursement, we need to know what
5171 these services cost. They were reluctant, as I recall, to really
5172 come clean with what their real costs are.

5173 So, I think that there is a different, and I just want to
5174 place that down on the record, maybe as a reminder, maybe people
5175 don't remember, or members that are not members of the
5176 subcommittee. That is A.

5177 And B, under the umbrella of surprise billing, the surprise
5178 billing that can come out of these services because the price
5179 tag is so high, if we think going to the emergency room just via
5180 ambulance driving to an emergency room has sticker shock, this
5181 one is, this one is extraordinary.

5182 So, I compliment the gentleman for the work he is doing on
5183 this. But, you know, whatever part of the system any of this
5184 is, we really need to drill down on the costs. And --

5185 Mr. Ruiz. Will you yield?

5186 Ms. Eshoo. And I think that Mr. Lujan has done a good job
5187 with it. And I yield back the balance of my time.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5188 Mr. Ruiz. Will you yield?

5189 Ms. Eshoo. Oh, to Mr. -- yes.

5190 Mr. Ruiz. Yes. I just want to concur with what you said.

5191 And in no way, shape, or form I want to imply that anybody was
5192 disparaging the air ambulance of emergency transportation
5193 services. I agree with this amendment. My comments are
5194 complimentary.

5195 Ms. Eshoo. You know, I want to reclaim my time. I am not
5196 disparaging anyone. I think it is absolutely essential that the
5197 issue of what the cost of these services are be addressed.

5198 Mr. Ruiz. No, I agree with you.

5199 Ms. Eshoo. And they weren't, under questioning. They
5200 weren't, under questioning.

5201 Yes, I will yield.

5202 Mr. Ruiz. Yes, I agree with you. What I am saying is I
5203 am not saying anybody is disparaging, nobody, not anybody in this
5204 committee. And I just want to make sure everybody understands
5205 I support this amendment. I support Representative Lujan's
5206 effort. And I think it is very important that we get transparency
5207 so we can get to the bottom of this and fix this issue.

5208 And you have done a great job in committee making sure that
5209 all the tough questions are asked. And I am sure we are going
5210 to come to a very good solution. Thank you.

5211 Ms. Eshoo. Yield back.

5212 The Chairman. Thank you. So, now we are on the Lujan

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5213 amendment to the AINS. Does anyone else want to speak on that?

5214 If not, we are going to vote on it.

5215 [No response.]

5216 The Chairman. All those in favor of Mr. Lujan's amendment
5217 will signify by saying aye.

5218 All those opposed, say no.

5219 In the opinion of the chair, the ayes have it, and the Lujan
5220 amendment is agreed to.

5221 We have another amendment to the AINS. Mr. Ruiz?

5222 Mr. Ruiz. Mr. Chairman, yes, I have an amendment at the
5223 desk.

5224 [The Amendment offered by Mr. Ruiz follows:]

5225

5226 *****INSERT 48*****

5227 The Chairman. Does the clerk have that one? Statute of
5228 limitations amendment, Mr. Ruiz?

5229 Mr. Ruiz. Yes.

5230 The Chairman. Have you got that one?

5231 The Clerk. Amendment to the amendment in the nature of a
5232 substitute to H.R. 2328 offered by Mr. Ruiz of --

5233 The Chairman. Without objection, reading of the amendment
5234 will be dispensed with. And the gentleman from California is
5235 recognized for 5 minutes.

5236 Mr. Ruiz. Thank you, Mr. Chairman. I would like to thank
5237 my colleague Dr. Bucshon for cosponsoring this amendment with
5238 me. This amendment simply states that a patient cannot be billed
5239 for the first time more than a year after the service provided.

5240 I can tell you the importance of this from not only the
5241 anecdotes and the experiences from family, friends, communities,
5242 but from distraught constituents who received medical care and
5243 then, for no fault of their own, due to a hospital or provider's
5244 billing, lack of billing capacity, 3 or 4 years later get a surprise
5245 bill when they had moved on. They find themselves in difficult
5246 situations. They have budgeted for other, other monthly or yearly
5247 expenses, and then suddenly they get a bill for \$500, \$600.

5248 So, so we want to make sure that we incentivize billing
5249 capacity but also to make sure that patients are not caught in
5250 that middle and receive that surprise bill after a year. If they
5251 have not received it, then they cannot be billed.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5252 I yield back.

5253 The Chairman. Anyone else want to speak on the Ruiz statute
5254 of limit -- Dr. Bucshon.

5255 Mr. Bucshon. Thank you, Mr. Chairman. I want to speak in
5256 favor of the amendment. Thank Dr. Ruiz for offering it.

5257 This is a perfectly reasonable approach to prevent another
5258 form of a surprise medical bill that happens when, for whatever
5259 reason, a provider does not bill a patient till after a year after
5260 the service. In fact, many patients that I have heard from they
5261 have no idea or can't even remember what the service was for.

5262 So, I want to speak in support of the amendment. I hope
5263 all my colleagues support it. I yield back.

5264 The Chairman. The gentleman from Virginia, Mr. McEachin.

5265 Mr. McEachin. Thank you, Mr. Chairman. I think this is
5266 a question for counsel. And I may be thinking in too much of
5267 a parochial manner. But this amendment talks about a bill to
5268 an individual more than a year after such date of service.

5269 Is there not a doctrine of necessity? And does that doctrine
5270 not suggest that a spouse can be billed for services that are
5271 necessary? And if so, does this amendment exempt the spouse after
5272 a year?

5273 The Chairman. God bless you if you can answer that question.
5274 Go ahead.

5275 Ms. Goldman. The amendment is specific to the individual
5276 receiving the service.

5277 Mr. McEachin. Would the sponsor yield for a question?

5278 The Chairman. I didn't really hear what you guys said.

5279 What did you say?

5280 Ms. Goldman. If the amendment is specific to the individual
5281 receiving the service.

5282 The Chairman. Not to the spouse?

5283 Ms. Goldman. No.

5284 The Chairman. Okay. And you --

5285 Mr. McEachin. I assume from your presentation that you mean
5286 to exempt the entire family from a bill after a year, do you not?

5287 Mr. Ruiz. Yes.

5288 Mr. McEachin. Well, Mr. Chairman, I am certainly not trying
5289 to slow down this train, but I don't think this amendment
5290 accomplishes what the gentleman is trying to get at.

5291 The Chairman. Would you explain to me again, to all of us
5292 what you --

5293 Mr. McEachin. I am sorry. And, again, this might be just
5294 a Virginia thing and maybe Mr. Griffith can help me. But if I
5295 have certain health care needs and they are provided to me,
5296 especially on an emergency basis, my wife is as liable for them
5297 as I am. And so a year talks -- so this amendment talks about
5298 an individual, an individual that received a service more than
5299 a year later, but it doesn't exempt the spouse. In other words,
5300 it doesn't defeat what we call in Virginia the doctrine of
5301 necessity.

5302 And I think that is what he is trying to get at is to defeat
5303 the doctrine of necessity in this particular instance.

5304 The Chairman. Would the counsel agree with Mr. McEachin's
5305 analysis of this?

5306 Ms. Goldman. Yes. As currently crafted it is specific to
5307 the individual receiving the services. If the intent were to
5308 apply to family members you would have to insert reference to
5309 such family members.

5310 The Chairman. Dr. Ruiz?

5311 Mr. Ruiz. Yes, I have a question.

5312 So, if let's say my wife is under my health insurance, the
5313 bill comes to me but it is her services; right? It is the
5314 individual who received that. So, wouldn't that be considered
5315 protected in this case because regardless if the bill comes to
5316 me it is that individual's services, it is just a way to identify
5317 which service would not, would not require a payment after a year
5318 billing?

5319 Mr. McEachin. You are still liable. You are still liable.
5320 Your wife may not be but you are still liable.

5321 Mr. Ruiz. So, so could I offer an amendment to my amendment
5322 to state that not only the individual who receives care but the
5323 family member who received that care?

5324 The Chairman. What I would suggest, if it is okay with both
5325 of you, that we try to address this, you know, before we go to
5326 the floor only because I don't think we should be writing these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5327 amendments now.

5328 I think everyone agrees that Mr. McEachin has a legitimate
5329 concern. And the counsel has said that he does. So why don't
5330 we just say we will all agree that we will change this before
5331 we go to the floor, if that is okay with everyone.

5332 Mr. Ruiz. I agree. And I want to thank Representative
5333 McEachin for ensuring that the intent of the amendment is followed
5334 through so that we can have the most robust protection for patients
5335 and families from this. Thank you very much.

5336 The Chairman. Can we just pause a second here.

5337 [Pause.]

5338 The Chairman. Mr. Griffith has the proposed amendment, but
5339 we are concerned that this, you know, we just don't want to do
5340 this the last minute. So we just promise you that we will do
5341 something like this before we go to the floor, if that is okay
5342 with everyone.

5343 Mr. Burgess. Mr. Chairman.

5344 The Chairman. Agreed?

5345 Yes, Dr. Burgess.

5346 Mr. Burgess. Strike the last word. Just to speak on this
5347 issue. And I am not opposed to what you propose but, or maybe
5348 I am just cynical for having worked with insurance companies for
5349 25 years, and they always find a reason to delay your pay, or
5350 not pay you, or require more information. And they can drag things
5351 out for a year. I promise you they can drag things out for a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5352 year.

5353 So, am I, as a provider, then enjoined from ever collecting
5354 that debt that the insurance company has managed to drag out for
5355 over a year's time?

5356 The Chairman. Well, that is why --

5357 Mr. Burgess. Should we, should we think about, as you work
5358 on this? And maybe I am just --

5359 The Chairman. Yes.

5360 Mr. Burgess. -- being overly cynical.

5361 The Chairman. No. I think you raise a good point. And
5362 I think that is why we should take some time.

5363 Mr. Burgess. Well, I was just putting a prompt pay issue
5364 from the standpoint of a payer in there.

5365 The Chairman. Yes.

5366 Mr. Burgess. Because otherwise the game is, well, we will
5367 just kite the check till the end of the month and leave the doctor
5368 holding the bag. Because that has been my experience.

5369 The Chairman. I think another reason why we should take
5370 another look.

5371 But go ahead, Mr. Griffith.

5372 Mr. Griffith. Mr. Chairman, if I might. And I regret I
5373 was over here in a little bit of a fog, and I appreciate the good
5374 lawyering work done by my colleague from Virginia. Reminds me
5375 of our days on the Virginia Courts of Justice Committee.

5376 But I think that is why we have to limit it not to others

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5377 but to an immediate family member because I think otherwise we
5378 let the insurance company off. What we don't want them doing
5379 is coming back on the individual that got the service or the
5380 immediate family member.

5381 We may want to put in some clarifying language to take care
5382 of Dr. Burgess' problem that says but that does not excuse or
5383 negate the responsibility of an insurance company or a corporate
5384 insurer from having to pay the bill subsequent or greater than
5385 one year later. We could do that as well.

5386 But I just, I have to tell you it never entered my mind.
5387 And I just think Representative McEachin did great lawyering work
5388 today.

5389 The Chairman. All right. We are going to comment, we are
5390 going to tell him how great a lawyer he is. Thank you, I guess.

5391 Whose time is this by the way?

5392 Mr. Burgess. It is mine, if you give it to me.

5393 Mr. Ruiz. It is actually my time. And I will yield back,
5394 Mr. Chair.

5395 The Chairman. All right. Let me, let's yield back and we
5396 will go to Mr. Bucshon.

5397 Mr. Bucshon. I just want to add, it is kind of a
5398 parliamentary question. Then Mr. Ruiz will have to formally
5399 withdraw this amendment; is that correct?

5400 The Chairman. Oh, are you -- is that what you want to do?

5401 Mr. Ruiz. If that is necessary to make the correction so

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5402 that we can provide those robust protections and make sure that
5403 Dr. Burgess' concerns are addressed then, yes, I would withdraw
5404 the amendment and --

5405 The Chairman. Before you do that, can I just ask everybody,
5406 I would like to -- I mean he has a legitimate issue here for trying
5407 to address the statute of limitations. I would prefer if we moved
5408 your amendment and we made a commitment that myself and Mr. Walden
5409 would address your concerns rather than just dropping the statute
5410 of limitations.

5411 Mr. Ruiz. Great. Why don't we, why don't we go ahead and
5412 do that for the sake of time.

5413 I do not withdraw my amendment and --

5414 The Chairman. If it is okay with everyone, and unless
5415 someone objects, I am going to ask that we move this amendment
5416 and that we try to address this as an amendment to his amendment
5417 before we go to the floor.

5418 Is that okay, Mr. McEachin, and the doctors amongst us?
5419 All right.

5420 All right. Is there anybody else wants to comment on this?

5421 [No response.]

5422 The Chairman. All right. We are going to move forward with
5423 that understanding.

5424 All those in favor of the relief statute of limitations
5425 amendment will signify by saying aye.

5426 All those opposed will say no.

5427 And in the opinion of the chair, the ayes have it, and the
5428 amendment is agreed to.

5429 Now, do we have an -- Now we have a Schrader amendment.

5430 [The Amendment offered by Mr. Schrader follows:]

5431

5432 *****INSERT 49*****

5433 The Chairman. The gentleman from Oregon is recognized.

5434 Well, if --

5435 Mr. Schrader. I want Don to go outside the room first so
5436 he can't find a problem with my amendment, if that is okay.

5437 [Laughter.]

5438 The Chairman. I don't even know what he said, but okay.

5439 Does the clerk have the amendment?

5440 The Clerk. Yes, sir.

5441 The Chairman. The clerk will report the amendment.

5442 The Clerk. Amendment to the amendment in the nature of a
5443 substitute to H.R. 2328 offered by Mr. Schrader.

5444 The Chairman. Without objection, the reading of the
5445 amendment is dispensed with.

5446 And the gentleman from Oregon is recognized for 5 minutes.

5447 Mr. Schrader. Thank you, Mr. Chairman. Thank you for your
5448 leadership, along with the ranking member, in bringing this
5449 bipartisan bill before the committee today, and all my colleagues'
5450 collaboration on these efforts. I just wish this would get some
5451 news media attention quite frankly. You don't see this every
5452 day, and it would be nice to get this great work that members
5453 play heavily into before the American people.

5454 I want to thank Mr. Griffith for also supporting this
5455 amendment, the goal being to strengthen the integrity of the
5456 surprise billing bill that we have before us. As a committee
5457 we have done great work. This is balanced, I think, and fair

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5458 in total. We have all agreed with the central tenet that patients
5459 should be protected, not caught in the middle and on the hook
5460 for these, these big, huge medical bills that they don't have
5461 any control over. They thought they had done the right thing.

5462 We have considered it with great debate, the various
5463 approaches to the contracting and reimbursement issues that are
5464 the foundation of these surprise medical bills. And while we
5465 may not have solved absolutely everything here today, we are moving
5466 forward I think on a great compromise that will solve the patient
5467 portion for sure.

5468 My amendment before you will improve the audit provisions
5469 of the bill, and important safeguard in the bill to ensure that
5470 the methodology determined by the secretary is being properly
5471 calculated by payers in determining that median network rate.
5472 It clarifies the secretary's authorities to do so, and adds some
5473 specification on how the audits will be performed, evaluating
5474 up to 25 health plans a year. Twenty-five is not a huge sample,
5475 but a big enough sample, and the secretary also has the authority
5476 to audit any plan where there's been a complaint.

5477 I believe this amendment strengthens the balance of the bill.

5478 It is necessary for ensuring unintentional mistakes aren't made
5479 and, frankly, to corral some of the bad actors that are out there.

5480 It strikes a good balance I think for us and for the committee,
5481 and would urge everybody to vote in favor of the amendment.

5482 And I yield back.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5483 The Chairman. Thank you. Mr. Griffith.

5484 Mr. Griffith. Thank you, Mr. Chairman. I concur with my
5485 colleague and ask that everybody vote for the amendment.

5486 The Chairman. That was brief. Thank you.

5487 Anyone else on the Schrader amendment?

5488 [No response.]

5489 The Chairman. We will move to vote.

5490 All those in favor of the Schrader amendment will signify
5491 by saying aye.

5492 All those opposed will say no.

5493 In the opinion of the chair, the ayes have it, and the
5494 amendment is agreed to.

5495 What else do we have? Chairwoman Schakowsky has an
5496 amendment. Do we have it, Madam Clerk? There are two different
5497 ones?

5498 Ms. Schakowsky. This is Schakowsky 35. There is an
5499 amendment at the desk.

5500 [The Amendment offered by Ms. Schakowsky follows:]

5501

5502 *****INSERT 50*****

5503 The Clerk. We have it.

5504 The Chairman. The clerk will report the amendment.

5505 The Clerk. Amendment to the amendment in the nature of a
5506 substitute to H.R. 2328 offered by Ms. Schakowsky of Illinois.

5507 Page 76 --

5508 The Chairman. Without objection, the reading of the
5509 amendment is dispensed with. And the gentlewoman from Illinois
5510 is recognized.

5511 Ms. Schakowsky. Thank you, Mr. Chairman. Mr. Loeb sack and
5512 I have an amendment at the desk to amend to the amendment, amendment
5513 to the amendment in the nature of a substitute to H.R. 2328.
5514 As I have said many times before today, I am very proud of the
5515 work of this committee, what we are doing today to shield consumers
5516 from outrageous bills.

5517 One way to do that, a solution not included in this bill,
5518 is to expand patient choice in providers. I have always believed
5519 that all, that all providers in our healthcare system should be
5520 able to engage in their full scope of practice. Many
5521 non-physicians, especially advanced practice registered nurses,
5522 play a primary role in providing the highest quality care and
5523 filling gaps in access to care across our country.

5524 Our amendment would underline the importance of the
5525 providers' non-discrimination law that was established through
5526 the ACA, which prohibits insurance networks from discriminating
5527 against a class of healthcare providers acting within the scope

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

5528 of their practice. We must work to ensure that we are promoting
5529 competition, and consumer choice, and avoiding anything that might
5530 restrict access to necessary care.

5531 I look forward to working with the chairman, and the ranking
5532 member, and Mr. Loeb sack to strengthen our -- the protection
5533 against provider non-discrimination moving forward.

5534 And I yield right now to Mr. Loeb sack.

5535 Mr. Loeb sack. Thank you, Congresswoman Schakowsky, for
5536 offering this important amendment today. Thanks for yielding.

5537 In 2010, Congress enacted into law a provider
5538 non-discrimination provision that prohibits health plans from
5539 discriminating against qualified healthcare providers based only
5540 on their licensure. Unfortunately, health insurance issuers are
5541 continuing to discriminate against providers, and this is
5542 especially problematic for folks in rural areas who already have
5543 access limitations as it is.

5544 One of the underlying causes of surprise billing and
5545 restricting access to licensed providers in rural and underserved
5546 areas is provider discrimination. I have heard from a number
5547 of provider groups, like CRNAs for example, who have experienced
5548 discrimination from insurance issuers which forces them to become
5549 an out-of-network provider.

5550 When health plans organize their healthcare delivery in a
5551 way that blocks out whole classes of qualified licensed healthcare
5552 professionals, patient access to care is impaired and healthcare

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5553 costs climb from lack of competition. Congress must address this
5554 problem by properly enforcing provider non-discrimination.

5555 And, again, I think Ms. Schakowsky for this amendment. And
5556 I yield back to you.

5557 Ms. Schakowsky. I thank the gentleman for yielding back
5558 and for his remarks.

5559 Again, I do look forward to working with the chairman and
5560 ranking member. If we could strengthen the protections for --
5561 the protections against non -- the non-discrimination
5562 protections, that would be great. In the meantime, and for the
5563 moment, I withdraw this amendment and yield back.

5564 The Chairman. The gentlewoman has withdrawn her amendment.
5565 You want to comment on it?

5566 Mr. Bucshon. Yeah, can I just comment, Mr. Chairman?

5567 The Chairman. The gentleman from Indiana strikes the last
5568 word?

5569 Mr. Bucshon. Yeah, I move to strike the last word.

5570 Even though it has been withdrawn, I would be in support
5571 of it. I had in the rural part of my district a nurse practitioners
5572 who had gone, who was practicing within the scope of her practice
5573 and needed to call my office to have congressional intervention
5574 to finally get on some health plan because they were drag -- they
5575 had been dragging the process out for months. And it was
5576 inhibiting her ability to provide access to medical care in a
5577 rural community. And this was under a M.D.'s supervision.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5578 So, I would, I would agree that in rural America particularly,
5579 you know, if people are practicing within the scope of practice
5580 that has been determined by their state, that we should not be
5581 discriminating against providers.

5582 I yield back.

5583 Ms. Schakowsky. Mr. Chairman. Mr. Chairman.

5584 The Chairman. The gentlewoman is --

5585 Ms. Schakowsky. Let me just ask you. If this amendment
5586 could be bipartisan, could it be considered now or between now
5587 and the floor?

5588 Mr. Bucshon. Yeah, I think the latter would probably be
5589 best. I think we, we can talk about it and see where we might,
5590 might make a difference.

5591 The Chairman. And we can certainly work with you --

5592 Ms. Schakowsky. Thank you.

5593 The Chairman. -- before we go to the floor.

5594 And just let me tell you, the gentlewoman has withdrawn her
5595 amendment. What we are going to do is going to recognize Mr.
5596 Peters to strike the last word. And then we are going to end
5597 on the high note with the Ruiz-Bucshon amendment.

5598 And I was a little concerned because I saw Mr. Shimkus
5599 studying some paper over there with Mr. McEachin. I don't want
5600 you to study too much. We have to get done.

5601 All right. So, I will recognize Mr. Peters to strike the
5602 last word.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5603 Mr. Peters. Thank you, Mr. Chairman. I move to strike the
5604 last word and discuss an important piece of bipartisan legislation
5605 I have been working on with other members of the committee as
5606 well as with your staff.

5607 First, I want to thank you and your staff for all your effort
5608 to bring together this important package today. And the package
5609 we are discussing and we will pass extends many critical programs
5610 and will ensure that our communities will have access to much
5611 of the care that they need and deserve.

5612 The package does not, however, deal with one important issue,
5613 that of ensuring that seniors will continue to have access to
5614 clinical lab diagnostic services in the coming years. I have
5615 had the pleasure of working on a bipartisan basis with Mr.
5616 Bilirakis, Mr. Hudson, and Mr. Schrader on my bill, the Laboratory
5617 Access for Beneficiaries, or LAB Act. When Congress passed the
5618 Protecting Access to Medicare Act, or PAMA, we had the goal of
5619 updating the clinical laboratory fee schedule so that it is more
5620 reflective of market rates for lab services.

5621 Unfortunately, the first round of reporting collecting by
5622 CMS captured only 1 percent of the laboratory market. And that
5623 means that CMS is basing its fee schedule on only a very, very
5624 small piece of the laboratory landscape. The resulting fee
5625 adjustments for lab services threaten \$10 million in cuts, which
5626 is four times greater than CBO had projected.

5627 Cuts of this magnitude threaten the health of our seniors,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5628 as they will be delayed in, or prevented from obtaining the lab
5629 tests they need to diagnose, treat, or prevent disease. If
5630 Congress fails to act, CMS will continue to gather incomplete
5631 data, adjust rates based on this incomplete data, and further
5632 threaten patient access.

5633 And, Mr. Chairman, I appreciate the work of you and your
5634 staff to iron out a few details on the bill, hope it can be
5635 considered as soon as possible.

5636 I ask unanimous consent to submit for the record a letter
5637 of support for the LAB Act, signed by more than 25 organizations,
5638 including the Infectious Disease Society of America, the Caregiver
5639 Action Network, and the American Academy of Family Physicians.

5640 And I yield back.

5641 The Chairman. Without objection, so ordered.

5642 [The information follows:]

5643

5644 *****COMMITTEE INSERT*****

5645 The Chairman. And we will work with you on the LAB issue
5646 before we go to the floor.

5647 Okay. So lastly, I think, we have an amendment sponsored
5648 by Mr. Ruiz and Bucshon. Bucshon I guess is the lead. Is that
5649 accurate? No, you are.

5650 Okay, recognize Mr. Ruiz.

5651 Mr. Ruiz. Thank you, Mr. Chairman. I have an amendment
5652 at the desk.

5653 [The Amendment offered by Mr. Ruiz follows:]

5654

5655 *****INSERT 51*****

5656 The Chairman. The clerk will report the amendment.

5657 The Clerk. Amendment to the amendment in the nature of a
5658 substitute to H.R. 2328 offered by Mr. Ruiz. After the subsection
5659 (e) --

5660 The Chairman. Without objection, the reading of the
5661 amendment will be dispensed with.

5662 And the gentleman from California is recognized on his
5663 amendment.

5664 Mr. Ruiz. I would like to thank Chairman Pallone, Ranking
5665 Member Walden, Dr. Bucshon, and all of your staff for working
5666 together to move forward on this important piece of legislation.

5667 I appreciate the collaborative process, and I am pleased that
5668 we are all able to come to agreement.

5669 My amendment with Dr. Bucshon simply adds an appeals process
5670 in the form of an independent dispute resolution in cases where
5671 the in-network median rate may not be the proper reimbursement
5672 for a specific episode of care. We believe that adding this
5673 backstop strengthens this legislation, which already protects
5674 patients from getting surprise bills from unanticipated and often
5675 unavoidable out-of-network care.

5676 I want to thank in particular Dr. Bucshon and his staff.
5677 This is a true bipartisan amendment. And I urge everyone to
5678 support this important amendment and the underlying bill.

5679 Thank you, and I yield back.

5680 The Chairman. The gentleman from Indiana is recognized.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5681 Mr. Bucshon. Well, thank you, Mr. Chairman. I also would
5682 like to thank the chairman and ranking member, as well as Dr.
5683 Ruiz, the chairwoman, and the ranking member of the Health
5684 Subcommittee also for the collaborative approach of working on
5685 this amendment. I have stated at both the legislative hearing
5686 and the subcommittee markup the critical nature of having an
5687 independent dispute resolution process as part of the solution
5688 to surprise billing. And I am grateful for the fact that we have
5689 been able to make that happen today in a bipartisan way.

5690 And I look forward to being supportive of the amendment and
5691 the underlying bill. And with that, I yield to my colleague,
5692 Congressman Carter.

5693 Mr. Carter. I thank the gentleman for yielding.

5694 I want to thank Chairman Pallone, Republican Leader Walden,
5695 Congressman Ruiz, and Congressman Bucshon for their hard work
5696 leading on this issue. I have said from the beginning that we
5697 need to find middle ground in this issue because protecting
5698 patients from surprise bills is simply too important to fall by
5699 the wayside. This has been a complex problem to tackle, but
5700 inaction was simply not an option.

5701 I am proud that we found a way to move forward. I think
5702 this amendment strengthens this bill. And I look forward to
5703 moving this important policy to the House floor.

5704 And I yield back to the gentleman from Indiana.

5705 Mr. Bucshon. And with that, I yield to Dr. Burgess.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5706 Mr. Burgess. I thank the gentleman from Indiana, thank the
5707 gentleman from California for putting this amendment together.
5708 It is a good amendment. It improves the bill significantly.
5709 I believe there was no way to move forward on this without a
5710 mechanism for an independent dispute resolution. And you have
5711 accomplished that, so that is a good thing.

5712 Allowing backstop into an independent dispute resolution
5713 process that accounts for their quality level and the physician's
5714 acuity level is critical. And, again, there really was no way
5715 to move forward without this. So I am grateful that it has been
5716 included today.

5717 I will yield back to the gentleman from Indiana.

5718 Mr. Bucshon. Any other members on this side want to speak
5719 to the amendment?

5720 [No response.]

5721 Mr. Bucshon. If not, Mr. Chairman, I yield back.

5722 The Chairman. I thank the gentleman from Indiana.

5723 And I would now like to strike the last word myself on the
5724 amendment and yield myself 5 minutes for that purpose. But I
5725 won't use it all.

5726 First of all, our most important task today is to protect
5727 patients from the unreasonable and unacceptable practice of
5728 surprise billing. Under the Pallone-Walden legislation,
5729 providers would no longer be able to balance bill patients for
5730 out-of-network emergency services or for scheduled services from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

5731 providers the patient was not aware would be in their treatment.

5732 Our legislation removes the surprise from billing by
5733 completely protecting patients and taking them out of the middle
5734 of disputes between insurers, providers, and hospitals. The
5735 Ruiz-Bucshon amendment adds a backstop for providers to appeal
5736 their claim to an independent dispute resolution process if they
5737 can demonstrate that they have not been fairly compensated.

5738 The amendment would allow providers to have 30 days within
5739 which to file an appeal of a benchmark payment with the insurer.

5740 The insurer would then have 30 days to adjudicate the appeal,
5741 after which the provider could initiate independent dispute
5742 resolution.

5743 The Ruiz-Bucshon amendment would limit appeals to
5744 extenuating circumstances so that only complex cases would
5745 qualify. And it also limits the variables that can be considered
5746 during arbitration.

5747 Most importantly to me, it bars arbitrators from considering
5748 billed charges which are unilaterally set by providers. Provider
5749 charges are often double or triple Medicare rates, and in some
5750 cases for some large physician staffing companies, it is around
5751 500 percent of Medicare rates. If Congress sends this signal
5752 to arbiters that provider charges are to be considered, we would
5753 be creating a significantly higher standard for payment,
5754 decreasing incentives for providers to be in network, and putting
5755 upward pressure on healthcare premiums.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5756 I am supporting this amendment because it addresses concerns
5757 raised by members on both sides of the aisle that providers should
5758 have some recourse to be able to make the case to a neutral third
5759 party if payment is inadequate. But I have to be honest, that
5760 I do continue to be concerned that arbitration may come with
5761 additional administrative costs which could be passed on to
5762 consumers in the form of higher premiums.

5763 Our priority is that we protect consumers without raising
5764 healthcare costs for working Americans. And I believe the
5765 Ruiz-Bucshon amendment achieves these goals. It is imperative
5766 that we pass this legislation today and finally protect American
5767 families from the financial devastation and the tremendous
5768 emotional toll of surprise medical bills.

5769 And that, I yield back at this time and yield to the ranking
5770 member.

5771 Mr. Walden. I thank the chairman and for his leadership.
5772 And I do mean that, leadership. It takes a lot to get this done
5773 and to legislate on challenging topics like surprise medical bills
5774 takes patience, too -- both words, patience and patients -- and
5775 a commitment to share ideas, listen to feedback, and produce
5776 consensus. And you have done that here, and it reflects decades'
5777 long legacy of this committee's chairman.

5778 When this committee released our discussion draft on the
5779 No Surprises Act it did so in front of a packed room of people.
5780 What we are doing today will impact millions of people.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

5781 Or goal is clear: protect patients, hold them harmless.
5782 Along the way we heard input from a wide range of stakeholders:
5783 doctors, such as pathologists; emergency room physicians;
5784 anesthesiologists and radiologists, who provide critical and
5785 often lifesaving care for our friends, our neighbors, literally
5786 for ourselves; hospitals who continue to innovate and modernize
5787 their services and facilities to achieve better healthcare
5788 outcomes; insurers, our community partners in building and
5789 strengthening advanced analytics and research to uncover
5790 healthcare trends and lower the cost of care; Families USA; the
5791 American Medical Association; the Federation of American
5792 Hospitals; and Blue Cross/Blue Shield Association. We heard from
5793 insurance commissioners, ambulance companies.

5794 And in a city splintered by partisanship, those groups
5795 rarely, if ever, can agree on policy principles. But every single
5796 one of them told me the same thing: take the patient out of the
5797 middle, hold the patient harmless.

5798 Patients like Sonji Wilkes who received a \$50,000 surprise
5799 bill. Remember, she testified before our committee, Mr.
5800 Chairman. Her son stayed 50 steps from her in the NICU for one
5801 night. Mr. Chairman, I know that was our driving force, our
5802 motivation for action: protect the families, the single moms,
5803 the couples, the younger professionals, the senior citizens from
5804 New Jersey to Oregon. To protect Americans who, through no fault
5805 of their own, played by the rules but received unaffordable

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5806 surprise bills.

5807 Hear me say this clearly. Surprise billing is not right,
5808 it is not fair, frankly, in some cases it is downright deceitful.

5809 So if hospitals, doctors, and insurers mean what they say, that
5810 patients should be held harmless, that patients are not
5811 responsible, then hospitals, doctors, and health insurers are
5812 responsible; it is that simple.

5813 So, today we improve on that shared responsibility, adding
5814 a pragmatic backstop to the median in-network rate. What the
5815 Ruiz-Bucshon amendment does is simple, it says if a doctor,
5816 hospital, or insurance company thinks a payment higher than the
5817 \$1,250 median in-network rate is unfair, you can challenge it
5818 through an independent dispute resolution process. In addition
5819 to the median in-network payment, the arbiter can take two things
5820 into consideration: the complexity of the patient's care, and
5821 the quality of the doctor's services.

5822 While I prefer the benchmark like we have in Oregon, Mr.
5823 Chairman, I believe this strikes a fair and necessary balance.

5824 This should be true for doctors, hospitals, insurance companies
5825 who told me they share my top goal.

5826 Mr. Chairman, I urge each of these groups to join us and
5827 patients to hold patients harmless, and support this amendment
5828 and support this bill.

5829 And, again, thank you for your, your efforts on this, and
5830 all colleagues on the committee who played such important roles.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5831 Being the chair of the Health Subcommittee and the top Republican
5832 on the committee, we appreciate your great leadership and counsel
5833 as well.

5834 And with that, I would urge support of the amendment and
5835 the underlying bill, and I yield back the balance of my time.

5836 The Chairman. I thank the ranking member for his comments.

5837 Does anyone else want to -- Yes, the chairwoman of the Health
5838 Subcommittee, Ms. Eshoo, is recognized.

5839 Ms. Eshoo. Thank you, Mr. Chairman. I move to strike the
5840 last word.

5841 I support the amendment. And I want to salute each one of
5842 the individuals, the chairman, the ranking member, the offerors
5843 of the amendments, people that have worked really hard on this
5844 for what they are bringing forward.

5845 I have said it before and I am going to repeat it. The
5846 hospitals, doctors, insurers, even the stakeholders that have
5847 really created what I would call a mess really, and we are the
5848 referees, so we are trying to fix this. And I think it is a great
5849 credit to the members for, as I said earlier today, for listening
5850 to each other and being willing to amend the legislation.

5851 And I think what we have done with this bill is, the most
5852 important thing is is that we have taken the patient out of it.

5853 And that is exactly what the witnesses said we should do.

5854 Secondly, was make sure that the bill's protections are
5855 strong enough so that no patient gets a surprise bill because

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5856 of a medical emergency. I think we have achieved a delicate
5857 balance so that hospitals, doctors, and insurance pull their fair
5858 weight by combining the arbitration and the benchmark payment
5859 approaches. And obviously this is, you know, the debate is over
5860 money. So, like, what is new around here?

5861 So, as I have said previously, if doctors are charging
5862 inflated rates, then we are going to come down. If insurers aren't
5863 negotiating with doctors fairly, now we have a hammer to bring
5864 them to the table. If insurers save money from our bill, we are
5865 tracking those savings to make sure they are passed on to patients
5866 in the form of lower premiums.

5867 Really, I think the real winners in this are who we intended
5868 to be the winner, and that is the patient. So, bravo to everyone
5869 that has worked so hard on this. And I think this is something
5870 that every single one of us can support. And thank you.

5871 And I yield back.

5872 The Chairman. Thank you. Does anyone else want to speak
5873 on the Ruiz-Bucshon amendment?

5874 Mr. Schakowsky. Yes, I do. Yes.

5875 The Chairman. The gentlewoman from Illinois, Ms.
5876 Schakowsky.

5877 Mr. Schakowsky. Let me just first admit this has been a
5878 very great day for this, for this committee, and I am proud to
5879 be a part of it. And I want to say, start with by first saying
5880 how much I sincerely respect both Dr. Ruiz and Dr. Bucshon. But,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5881 I have to say that I am very concerned this amendment will not
5882 allow us to really address our skyrocketing healthcare, healthcare
5883 costs.

5884 This bill includes a median benchmark rate that will lower
5885 healthcare costs by bringing rates down from the often
5886 astronomical numbers that we see providers making today, anywhere
5887 from 500 percent of Medicare rates to 1,500 percent of Medicare
5888 rates in some circumstances. But arbitration in my view, which
5889 is used as the backstop, will not lower the healthcare, healthcare
5890 costs. So I actually do disagree with this amendment.

5891 Arbitration actually comes with additional administrative
5892 costs and complexities which could then be passed on to consumers
5893 in the form of higher premiums. And even as a backstop, I think
5894 that binding arbitration leaves a public interest, public health
5895 decision up to an unaccountable, private decision maker. And
5896 I don't think that is a very progressive way to be dealing with
5897 the issue of pricing.

5898 So, I just want to say I would prefer that this bill move
5899 forward without the amendment. And having said my piece, I will
5900 yield back.

5901 The Chairman. Thank you. Does anyone else want to speak
5902 on this amendment?

5903 [No response.]

5904 The Chairman. If not, we will proceed. Again, this is an
5905 amendment to the AINS.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5906 All those in favor of the Ruiz-Bucshon amendment will signify
5907 by saying aye.

5908 All those opposed will say no.

5909 In the opinion of the chair, the ayes have it, and the
5910 amendment is agreed to.

5911 Now, we still, we have no more amendments to the AINS, so
5912 we are going to go to the AINS, if there is no other discussion.

5913 All right?

5914 We will proceed to a vote on the amendment in the nature
5915 of a substitute which was offered by myself.

5916 All those in favor of the amendment in the nature of a
5917 substitute, as amended, as amended to H.R. 2328, will signify
5918 by saying aye.

5919 All those opposed will say no.

5920 In the opinion of the chair, the ayes have it, and the
5921 amendment in the nature of a substitute, as amended, is adopted.

5922 Oh. Oh, it is agreed to. Okay.

5923 Now, unless anybody wants to say anything else, we are going
5924 to go to the -- Nobody. Okay. We will go to the bill.

5925 The question now occurs on agreeing to the measure as amended.
5926 So, we are talking about now H.R. 2328.

5927 All those in favor of agreeing to H.R. 2328, as amended,
5928 will signify by saying aye.

5929 All those opposed will say no.

5930 In the opinion of the chair, the ayes have it, and H.R. 2328,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5931 as amended, is reported to the full House.

5932 Mr. Walden. Mr. Chairman.

5933 The Chairman. Yes?

5934 Mr. Walden. I ask for two days to submit additional views
5935 on the legislation considered by the committee.

5936 The Chairman. So ordered.

5937 And without objection, the staff is authorized to make
5938 technical and conforming changes to the bill, consistent with
5939 the actions taken by the committee today.

5940 The chair requests unanimous consent to enter the following
5941 into the record. This is a long list:

5942 A letter in support of consumer product safety bills from
5943 consumer groups;

5944 A letter on H.R. 3375 from the National Association of
5945 Federally Insured Credit Unions;

5946 A letter on H.R. 3375 from Electronic Transactions
5947 Association.

5948 Oh. Look, before I continue with this, because you can leave
5949 after if you want to, but I just wanted to thank everyone. Really,
5950 I know everybody has been so great in commenting about what a
5951 good job we all did today, and I really think that is true. So
5952 I just want to thank the staff and both sides of the aisle. We
5953 really, I mean to get through this list today in, what, about
5954 six hours, is pretty amazing, and it really says a lot about this
5955 committee and how we operate.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5956 So, thank you all again. I appreciate it.

5957 [Applause.]

5958 The Chairman. If you don't want to stay while I read this
5959 list, don't worry about it.

5960 The chair requests unanimous consent to enter the following
5961 into the record:

5962 A letter in support of consumer product safety bills from
5963 consumer groups;

5964 A letter on H.R. 3375 from the National Association of
5965 Federally Insured Credit Unions;

5966 A letter on H.R. 3375 from the Electronic Transactions
5967 Association;

5968 A letter on H.R. 3375 from the Credit Union National
5969 Association;

5970 A letter on H.R. 2328 and H.R. 2781 from the Association
5971 of American Medical Colleges;

5972 A letter on H.R. 3375 from AARP;

5973 A letter on H.R. 2328 from the American Hospital Association;

5974 A letter on H.R. 3375 from the Consumer Bankers' Association;

5975 A letter on H.R. 1058 from Consortium for Citizens with
5976 Disabilities;

5977 A letter on H.R. 2035 from the Consortium for Citizens with
5978 Disabilities;

5979 A letter on H.R. 2328 from the AARP;

5980 A letter on H.R. 2328 from American Academy of Family

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

5981 Physicians;

5982 A letter in support of Medicare and Medicaid extended
5983 provisions from the Federation of American Hospitals;

5984 A letter on H.R. 2781 from the LeadingAge;

5985 A letter from the U.S. COPD Coalition;

5986 A letter on H.R. 3375 from Consumer Reports;

5987 A letter on H.R. 2328 from American Cancer Society, Cancer
5988 Action Network, American Heart Association, and American Lung
5989 Association;

5990 A letter on H.R. 2041 from the Alliance to Save Energy;

5991 A letter in support of Territory's Healthcare Improvement
5992 Act from the Puerto Rican Hospital Association;

5993 A letter in support of Territory's Healthcare Improvement
5994 Act from Congresswoman Jennifer Gonzalez-Colon.

5995 Continue to the next page.

5996 These are a number of letters on the Stopping -- on the
5997 Stopping Bad Robocalls Act:

5998 From the AARP endorsing the bill;

5999 From Consumer Reports in support of the bill;

6000 From the Credit Union National Association;

6001 From the National Association of Federally Insured Credit
6002 Unions;

6003 From the Electronic Transaction Association;

6004 From the Consumer Bankers' Association;

6005 From Americans for Financial Reform;

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

6006 From Center for Responsible Lending;
 6007 From Consumer Action;
 6008 From the Consumer Federation of America; National
 6009 Association of Consumer Advocates; National Consumer Law Center;
 6010 Public Citizens; Public Knowledge.

6011 All these letters, without objection, so ordered.

6012 [The information follows:]

6013

6014 *****COMMITTEE INSERT*****

6015 The Chairman. Without objection, the staff is authorized
6016 to make technical and conforming changes to the bill consistent
6017 with the actions taken by the committee today.

6018 Thank you all. Committee stands adjourned.

6019 [Whereupon, at 3:18 p.m., the committee was adjourned.]