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6 MARKUP OF

7 H.R. 1338, THE SATELLITE AND TELECOMMUNICATIONS STREAMLINING
8 ACT;

9 H.R. 675, THE SECURE SPACE ACT;

10 H.R. 1339, THE PRECISION AGRICULTURE SATELLITE CONNECTIVITY
11 ACT;

12 H.R. 682, THE LAUNCH COMMUNICATIONS ACT;

13 H.R. 1353, THE ADVANCED, LOCAL EMERGENCY RESPONSE
14 TELECOMMUNICATIONS PARITY ACT;

15 H.R. 1345, THE NTIA POLICY AND CYBERSECURITY COORDINATION
16 ACT;

17 H.R. 1354, THE INFORMATION AND COMMUNICATION TECHNOLOGY
18 STRATEGY ACT;

19 H.R. 1370, THE COMMUNICATIONS SECURITY ACT;

20 H.R. 1360, THE AMERICAN CYBERSECURITY LITERACY ACT;

21 H.R. 1340, THE OPEN RAN OUTREACH ACT;

22 H.R. 1343, THE ITS CODIFICATION ACT;

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23 H.R. 1377, THE PROMOTING U.S. WIRELESS LEADERSHIP ACT;
24 H.R. 1341, THE SPECTRUM COORDINATION ACT;
25 H.R. 501, THE BLOCK, REPORT, AND SUSPEND SUSPICIOUS SHIPMENTS
26 ACT;
27 H.R. 498, THE 9-8-8 LIFELINE CYBERSECURITY RESPONSIBILITY
28 ACT;
29 H.R. 485, THE PROTECTING HEALTH CARE FOR ALL PATIENTS ACT OF
30 2023;
31 H.R. 467, THE HALT ALL LETHAL TRAFFICKING OF FENTANYL ACT;
32 H.R. 801, THE SECURING THE BORDER FOR PUBLIC HEALTH ACT OF
33 2023; AND
34 H.R. 1630, THE HOMEOWNER ENERGY FREEDOM ACT
35 FRIDAY, MARCH 24, 2023
36 House of Representatives,
37 Committee on Energy and Commerce,
38 Washington, D.C.

39
40
41

42 The committee met, pursuant to call, at 9:04 a.m. in
43 Room 2123, Rayburn House Office Building, Hon. Cathy McMorris
44 Rodgers [chair of the committee] presiding.

45

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46 Present: Representatives Rodgers, Burgess, Latta,
47 Guthrie, Griffith, Bilirakis, Johnson, Hudson, Walberg,
48 Carter, Duncan, Dunn, Curtis, Lesko, Pence, Crenshaw, Joyce,
49 Armstrong, Weber, Allen, Balderson, Fulcher, Pfluger,
50 Harshbarger, Miller-Meeks, Cammack, Obernolte; Pallone,
51 Eshoo, DeGette, Schakowsky, Matsui, Castor, Sarbanes, Tonko,
52 Clarke, Cardenas, Ruiz, Peters, Dingell, Veasey, Kuster,
53 Kelly, Barragan, Blunt Rochester, Soto, Craig, Schrier,
54 Trahan, and Fletcher.

55

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56 Staff Present: Sarah Alexander, Professional Staff
57 Member, Energy & Environment; Jolie Brochin, Clerk, Health;
58 Sarah Burke, Deputy Staff Director; Lauren Eriksen, Clerk,
59 O&I; Jack Heretik, Press Secretary; Slate Herman, Counsel,
60 C&T; Jessica Herron, Clerk, IDC; Nate Hodson, Staff Director;
61 Tara Hupman, Chief Counsel; Noah Jackson, Clerk, C&T; Sean
62 Kelly, Press Secretary; Peter Kielty, General Counsel; Emily
63 King, Member Services Director; Giulia Leganski, Professional
64 Staff Member, C&T; Mary Martin; Chief Counsel, Energy &
65 Environment; Jacob McCurdy, Professional Staff Member,
66 Energy; Brandon Mooney, Deputy Chief Counsel, Energy; Kate
67 O'Connor, Chief Counsel, C&T; Kaitlyn Peterson, Clerk,
68 Energy & Environment; Karli Plucker, Director of Operations;
69 Carla Rafael, Senior Staff Assistant; Emma Schultheis, Staff
70 Assistant; Olivia Shields, Communications Director; Peter
71 Spencer, Senior Professional Staff Member, Energy; Hannah
72 Anton, Minority Staff Assistant; Ian Barlow, Minority FTC
73 Detailee; Jennifer Epperson, Minority Chief Counsel,
74 Communications and Technology; Austin Flack, Minority Junior
75 Professional Staff Member; Waverly Gordon, Minority Deputy
76 Staff Director and General Counsel; Daniel Greene, Minority
77 Professional Staff Member; Tiffany Guarascio, Minority Staff

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78 Director; Perry Hamilton, Minority Member Services and
79 Outreach Manager; Lisa Hone, Minority Chief Counsel,
80 Innovation, Data, and Commerce; Liz Johns, Minority GAO
81 Detailee; Mackenzie Kuhl, Minority Digital Manager; Una Lee,
82 Minority Chief Health Counsel; Will McAuliffe, Minority Chief
83 Counsel, Oversight and Investigations; Dan Miller, Minority
84 Professional Staff Member; Joe Orlando, Minority Senior
85 Policy Analyst; Christina Parisi, Minority Professional Staff
86 Member; Caroline Rinker, Minority Press Assistant; Harry
87 Samuels, Minority Oversight Counsel; Michael Scurato,
88 Minority FCC Detailee; Andrew Souvall, Minority Director of
89 Communications, Outreach and Member Services; Johanna Thomas,
90 Minority Counsel; Caroline Wood, Minority Research Analyst;
91 and C.J. Young, Minority Deputy Communications Director.

92

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93 *The Chair. The committee will come to order. The
94 chair recognizes herself for an opening statement.

95 Thank you to all my colleagues who are leading on the 19
96 bills we are marking up today. This is -- wait, yes, sorry,
97 sorry. That is from yesterday.

98 [Laughter.]

99 *The Chair. Okay, committee comes to order. The chair
100 calls up H.R. 501, and asks the clerk to report.

101 *The Clerk. H.R. 501, a bill to amend the Controlled
102 Substances Act to require registrants to decline to fill
103 certain --

104 *The Chair. Without objection, the first reading of the
105 bill is dispensed with, and the bill will be open for
106 amendment at any point. So ordered.

107 [The bill follows:]

108

109 *****COMMITTEE INSERT*****

110

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111 *The Chair. Does anyone seek to be recognized on the
112 bill?

113 *Mrs. Harshbarger. Madam Chair, I have an amendment at
114 the desk.

115 *The Chair. The clerk will report the amendment.

116 *The Clerk. Can the gentlelady specify?

117 *Mrs. Harshbarger. I don't have the number.

118 *The Clerk. Amendment in the nature of a substitute to
119 H.R. 501, offered by Mrs. Harshbarger. Strike all the
120 enacting clause, and insert the following --

121 *The Chair. Without objection, the reading of the
122 amendment is dispensed with.

123 [The amendment of Mrs. Harshbarger follows:]

124

125 *****COMMITTEE INSERT*****

126

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127 *The Chair. The gentlelady from Tennessee, Mrs.
128 Harshbarger, is recognized for five minutes in support of the
129 amendment.

130 *Mrs. Harshbarger. Thank you, Madam Chair. I want to
131 thank you, Chair Rodgers, and Chairman Guthrie, and Ranking
132 Members Pallone and Eshoo for working with me and
133 Representative Debbie Dingell to advance H.R. 501, the Block,
134 Report, and Suspend Suspicious Shipments Act.

135 Representative Dingell has been a welcome and valued
136 partner on this bipartisan legislation, and I know her
137 district and state, like mine, has been ravaged by opioid and
138 other drug overdoses and deaths. And I appreciate
139 Representative Dingell working so hard in helping to lead
140 this legislation in the past couple of congresses.

141 In my state of Tennessee, drug overdose deaths more than
142 doubled in the last few years, totaling 3,814 lives lost in
143 2021. And in my East Tennessee district, we suffered 27
144 opioid overdose deaths per 100,000 population in the year
145 2020, compared to the national average of 21. But every
146 story has a number, and every story is a person. And that is
147 why breaking the opioid epidemic stranglehold on our nation
148 is one of my foremost priorities. And I know it is a

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149 bipartisan priority of this committee.

150 In an effort to do so, my colleagues and I have
151 introduced this legislation to combat drug diversion and pill
152 dumping. H.R. 501 requires drug manufacturers, distributors,
153 and other Drug Enforcement Administration registrants to
154 report and halt suspicious orders of controlled substances,
155 with requirements and guardrails needed to ensure these
156 addictive and potentially dangerous drugs do not fall into
157 the wrong hands.

158 All stakeholders have important roles to play in
159 preventing substance abuse disorders, and these common-sense
160 reforms will help save lives. I am grateful for the
161 community staff working with me and Representative Dingell
162 and relevant stakeholders to strengthen this bill and provide
163 clarity to complement the work the DEA is doing in this area.

164 The future of our nation depends on us solving the
165 addiction crisis, and this bill is an important step towards
166 the outcome. I urge all my colleagues to support this
167 legislation, and look forward to working with the Senate to
168 enact it into law.

169 And with that, I yield back.

170 *The Chair. The gentlelady yields back. The chair

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171 recognizes the lady from Michigan, Mrs. Dingell, for five
172 minutes to speak on the amendment.

173 *Mrs. Dingell. Madam Chair, I move to strike the last
174 word to speak in support of the ANS.

175 *The Chair. The lady is recognized for five minutes to
176 strike the last word.

177 *Mrs. Dingell. Thank you, Madam Chair, and I want to
178 thank you and Ranking Member Pallone for including the Block,
179 Report, and Suspend Suspicious Shipments Act in today's
180 markup, and very much want to give my thanks to Rep.
181 Harshbarger for joining me in this fight, and being such a
182 worthy partner.

183 Pill dumping and other dodgy practices have perpetuated
184 the opioid crisis, which continues to upend communities
185 across the nation. I think this is one of the areas that we
186 all agree in this committee -- it is a serious problem. That
187 is why I have led the introduction of the Block, Report, and
188 Suspend Suspicious Shipments Act, which advanced through this
189 committee and passed on the House floor the past two
190 congresses. And I am so proud to have my -- to reintroduce
191 this bill with Rep Harshbarger this year.

192 The ANS we are considering today includes input from a

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193 number of stakeholders, including the DEA. It is a strong
194 step forward in addressing how opioids are distributed in our
195 communities. With this legislation we can better protect the
196 American people by requiring drug manufacturers,
197 distributors, and other DEA registrants to not only report,
198 but also block or decline to fill suspicious orders.

199 I urge all my colleagues to support this important
200 legislation, and just maybe we will get the United States
201 Senate to do something this -- I shouldn't say that, but it
202 is early Friday.

203 So thank you, Madam Chair, and I yield back.

204 *The Chair. The gentlelady yields back. Is there
205 further discussion?

206 Seeing none, the vote occurs on the amendment.

207 All those in favor shall signify by saying aye.

208 All those opposed, nay.

209 The ayes have it, the amendment is adopted.

210 Is there further amendments?

211 The question now occurs on approving H.R. 501, as
212 amended. A recorded vote has been requested. The clerk will
213 call the roll.

214 *The Clerk. Rodgers?

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215 *The Chair. Aye.
216 *The Clerk. Rodgers votes aye.
217 Burgess?
218 *Mr. Burgess. Votes aye.
219 *The Clerk. Burgess votes aye.
220 Latta?
221 *Mr. Latta. Aye.
222 *The Clerk. Latta votes aye.
223 Guthrie?
224 *Mr. Guthrie. Aye.
225 *The Clerk. Guthrie votes aye.
226 Griffith?
227 [No response.]
228 *The Clerk. Bilirakis?
229 *Mr. Bilirakis. Aye.
230 *The Clerk. Bilirakis votes aye.
231 Johnson?
232 *Mr. Johnson. Aye.
233 *The Clerk. Johnson votes aye.
234 Bucshon?
235 [No response.]
236 *The Clerk. Hudson?

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237 [No response.]
238 *The Clerk. Walberg?
239 [No response.]
240 *The Clerk. Carter?
241 *Mr. Carter. Aye.
242 *The Clerk. Carter votes aye.
243 Duncan?
244 *Mr. Duncan. [Inaudible.]
245 *The Clerk. Duncan votes aye.
246 Palmer?
247 [No response.]
248 *The Clerk. Dunn?
249 *Mr. Dunn. Aye.
250 *The Clerk. Dunn votes aye.
251 Curtis?
252 *Mr. Curtis. Aye.
253 *The Clerk. Curtis votes aye.
254 Lesko?
255 *Mrs. Lesko. Aye.
256 *The Clerk. Lesko votes aye.
257 Pence?
258 *Mr. Pence. Aye.

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259 *The Clerk. Pence votes aye.
260 Crenshaw?
261 [No response.]
262 *The Clerk. Joyce?
263 *Mr. Joyce. Aye.
264 *The Clerk. Joyce votes aye.
265 Armstrong?
266 *Mr. Armstrong. Yes.
267 *The Clerk. Armstrong votes aye.
268 Weber?
269 *Mr. Weber. Aye.
270 *The Clerk. Weber votes aye.
271 Allen?
272 *Mr. Allen. Aye.
273 *The Clerk. Allen votes aye.
274 Balderson?
275 *Mr. Balderson. Aye.
276 *The Clerk. Balderson votes aye.
277 Fulcher?
278 *Mr. Fulcher. Fulcher is aye.
279 *The Clerk. Fulcher votes aye.
280 Pfluger?

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281 *Mr. Pfluger. Aye.

282 *The Clerk. Pfluger votes aye.

283 Harshbarger?

284 *Mrs. Harshbarger. [Inaudible.]

285 *The Clerk. Harshbarger votes aye.

286 Miller-Meeks?

287 [No response.]

288 *The Clerk. Cammack?

289 [No response.]

290 *The Clerk. Obernolte?

291 *Mr. Obernolte. Aye.

292 *The Clerk. Obernolte votes aye.

293 Pallone?

294 *Mr. Pallone. Aye.

295 *The Clerk. Pallone votes aye.

296 Eshoo?

297 *Ms. Eshoo. Aye.

298 *The Clerk. Eshoo votes aye.

299 DeGette?

300 *Ms. DeGette. Aye.

301 *The Clerk. DeGette votes aye.

302 Schakowsky?

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303 *Ms. Schakowsky. Aye.
304 *The Clerk. Schakowsky votes aye.
305 Matsui?
306 *Ms. Matsui. Aye.
307 *The Clerk. Matsui votes aye.
308 Castor?
309 *Ms. Castor. Aye.
310 *The Clerk. Castor votes aye.
311 Sarbanes?
312 [No response.]
313 *The Clerk. Tonko?
314 [No response.]
315 *The Clerk. Clarke?
316 [No response.]
317 *The Clerk. Cardenas?
318 *Mr. Cardenas. Aye.
319 *The Clerk. Cardenas votes aye.
320 Ruiz?
321 [No response.]
322 *The Clerk. Peters?
323 [No response.]
324 *The Clerk. Dingell?

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325 *Mrs. Dingell. Aye.

326 *The Clerk. Dingell votes aye.

327 Veasey?

328 *Mr. Veasey. Aye.

329 *The Clerk. Veasey votes aye.

330 Kuster?

331 *Ms. Kuster. Aye.

332 *The Clerk. Kuster votes aye.

333 Kelly?

334 [No response.]

335 *The Clerk. Barragan?

336 [No response.]

337 *The Clerk. Blunt Rochester?

338 *Ms. Blunt Rochester. Aye.

339 *The Clerk. Blunt Rochester votes aye.

340 Soto?

341 [No response.]

342 *The Clerk. Craig?

343 *Ms. Craig. Aye.

344 *The Clerk. Craig votes aye.

345 Schrier?

346 *Ms. Schrier. Aye.

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347 *The Clerk. Schrier votes aye.
348 Trahan?
349 *Mrs. Trahan. Aye.
350 *The Clerk. Trahan votes aye.
351 Fletcher?
352 *Mrs. Fletcher. Aye.
353 *The Clerk. Fletcher votes aye.
354 *Mr. Ruiz. How is Ruiz recorded?
355 *The Clerk. Mr. Ruiz is not recorded.
356 *Mr. Ruiz. Aye.
357 *The Clerk. Ruiz votes aye.
358 *The Chair. How is [inaudible]?
359 *The Clerk. Griffith is not recorded.
360 *Mr. Griffith. Aye.
361 *The Clerk. Griffith votes aye.
362 *Mr. Walberg. How is Walberg recorded?
363 *The Clerk. Walberg is not recorded.
364 *Mr. Walberg. Aye.
365 *The Clerk. Walberg votes aye.
366 *The Chair. [Inaudible.]
367 *The Clerk. Hudson is not recorded.
368 *Mr. Hudson. Hudson votes aye.

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369 *The Clerk. Hudson votes aye.
370 *The Chair. Is Tonko recorded?
371 *The Clerk. Tonko is not recorded.
372 *Mr. Tonko. Tonko votes aye.
373 *The Clerk. Tonko votes aye.
374 *The Chair. [Inaudible.]
375 *The Clerk. Cammack is not recorded.
376 *Mrs. Cammack. Cammack votes aye.
377 *The Clerk. Cammack votes aye.
378 *Voice. Miller-Meeks?
379 *The Clerk. Miller-Meeks is not recorded.
380 *Mrs. Miller-Meeks. [Inaudible.]
381 *The Clerk. Miller-Meeks votes aye.
382 *The Chair. [Inaudible.]
383 *The Clerk. Pence is recorded as aye.
384 [Pause.]
385 *The Clerk. Soto is not recorded.
386 *Mr. Soto. Soto [inaudible].
387 *The Clerk. Soto votes aye.
388 [Pause.]
389 *The Clerk. Madam Clerk, on that -- I mean, Madam
390 Chair, on that vote we have 44 ayes and 0 nays.

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391 *The Chair. [Inaudible] as forwarded by the
392 Subcommittee on Health, and ask the clerk to report.

393 *The Clerk. Committee print of H.R. 498, as forwarded
394 by the Subcommittee on Health on March 8th, 2023, to amend
395 title 5 of the public health --

396 *The Chair. Without objection, the first reading of the
397 bill is dispensed with, and the bill will be open for
398 amendment at any point. So ordered.

399

400

401

402 [The bill follows:]

403

404 *****COMMITTEE INSERT*****

405

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406 *The Chair. Does anyone seek to be recognized on the
407 bill?

408 *Mr. Obernolte. Madam Chair?

409 *The Chair. For what purpose does the gentleman from
410 California, Mr. Obernolte, seek recognition?

411 *Mr. Obernolte. I move to strike the last word.

412 *The Chair. The gentleman is recognized for five
413 minutes to strike the last word.

414 *Mr. Obernolte. Thank you, Madam Chair. I am honored
415 to speak in support of my bill, H.R. 498, the Lifeline
416 Cybersecurity Responsibility Act.

417 Colleagues, 130 people, on average, will die today in
418 the United States because of suicide. The 9-8-8 suicide
419 prevention hotline plays a critical role in extending
420 resources to people who are considering taking the
421 incredibly, incredibly sad step of taking their own lives.

422 In December, however, the 9-8-8 hotline was interrupted
423 by a cybersecurity attack on its systems operator.
424 Unfortunately, that is something that not only probably cost
425 lives in that case, but would cost lives any time that we
426 have an interruption of that magnitude.

427 This bill, the 9-8-8 Lifeline Cybersecurity

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428 Responsibility Act, would make meaningful steps to prevent
429 them from occurring in the future by requiring internal
430 coordination with Health and Human Services to protect the 9-
431 8-8 hotline and similar lifelines from cybersecurity threats.

432 I would like to thank my bipartisan co-lead on this,
433 Congressman Cardenas from California, for his work on this
434 issue, and respectfully request your support for this bill.

435 I yield back.

436 *The Chair. The gentleman from California, Mr.
437 Cardenas, is recognized for five minutes to speak on the
438 bill.

439 *Mr. Cardenas. Thank you, Madam Chairwoman, I move to
440 strike the last word.

441 *The Chair. The gentleman is recognized for five
442 minutes.

443 *Mr. Cardenas. Yes. Thank you, Congressman Obernolte,
444 for putting the emphasis on this important issue. And as you
445 just articulated, we can do more, and we must do more. And I
446 am glad that we are in a bipartisan way.

447 I have spoken on this several times about the importance
448 of 9-8-8, and building out the larger continuum of crisis
449 care. We know that across the board we are seeing

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450 unprecedented mental health struggles in our country: 50
451 percent of young adults reported anxiety and depression
452 symptoms in 2023. I repeat, that is half of our young
453 population. And these trends are continuing to be startling.
454 It is a startling trajectory.

455 A recent study shows that, among adolescent girls, 30
456 percent have seriously considered attempting suicide. That
457 is a 60 percent increase from 10 years ago. When suicide is
458 the twelfth leading cause of death overall in the United
459 States, and significantly higher in youth populations, the
460 need for a robust crisis lifeline has never been more urgent:
461 9-8-8 provides that lifeline for individuals in mental health
462 crisis.

463 Through a network of over 200 local, state crisis
464 centers, which can provide immediate mental health support
465 for overall chat or text, 9-8-8 can also connect those in
466 need for more mental health resources. This mental health
467 need is reflected in the uptick of 9-8-8 services since its
468 launch in July of last year. Between January of last year
469 and January of this year, calls answered increased by 57
470 percent. Chats answered increased by 264 percent, and texts
471 answered increased by over 1,600 percent.

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472 While I have been excited to see an increase in the
473 contact volume and improved response times where it is still
474 -- we still must do more to protect 9-8-8 from service
475 interruptions. That is why I am proud to partner with my
476 colleague, Congressman Obernolte, to co-lead the 9-8-8
477 Lifeline Cybersecurity Responsibility Act, which would help
478 to protect 9-8-8 from future interference.

479 This common-sense bill would simply create certain
480 requirements to improve coordination and reporting on
481 cybersecurity incidents and susceptibilities. It is a key
482 step to defending the lifeline and ensuring continuity and
483 services to individuals in crisis.

484 Again, I want to thank Chairwoman Rodgers and also
485 Ranking Member Pallone for bringing this bill forward to this
486 committee.

487 And also, I would like to take a point of personal
488 privilege to say how much I miss the cameras over yesterday's
489 afternoon and this morning because we have been able to pass
490 unanimously over a dozen bills in this committee, and yet
491 nobody hears about it, nobody talks about it. But we in this
492 committee know how bipartisan we work together, and how much
493 we complement each other's great work. Yet at the same time,

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494 I just hope that somebody out there knows that some good work
495 is getting done in Congress in a bipartisan way.

496 With that, Madam Chair, I yield back.

497 *The Chair. Hear, hear. The gentleman yields back. Is
498 there further discussion?

499 Seeing none, the question now occurs on approving H.R.
500 498, as amended. A recorded vote has been requested. The
501 clerk will call the roll.

502 *The Clerk. Rodgers?

503 *The Chair. Aye.

504 *The Clerk. Rodgers votes aye.

505 Burgess?

506 *Mr. Burgess. [Inaudible.]

507 *The Clerk. Burgess votes aye.

508 Latta?

509 *Mr. Latta. Aye.

510 *The Clerk. Latta votes aye.

511 Guthrie?

512 *Mr. Guthrie. Aye.

513 *The Clerk. Guthrie votes aye.

514 Griffith?

515 *Mr. Griffith. Aye.

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516 *The Clerk. Griffith votes aye.
517 Bilirakis?
518 *Mr. Bilirakis. Aye.
519 *The Clerk. Bilirakis votes aye.
520 Johnson?
521 [No response.]
522 *The Clerk. Bucshon?
523 [No response.]
524 *The Clerk. Hudson?
525 *Mr. Hudson. Aye.
526 *The Clerk. Hudson votes aye.
527 Walberg?
528 *Mr. Walberg. Aye.
529 *The Clerk. Walberg votes aye.
530 Carter?
531 *Mr. Carter. Aye.
532 *The Clerk. Carter votes aye.
533 Duncan?
534 *Mr. Duncan. Aye.
535 *The Clerk. Duncan votes aye.
536 Palmer?
537 [No response.]

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538 *The Clerk. Dunn?
539 *Mr. Dunn. Aye.
540 *The Clerk. Dunn votes aye.
541 Curtis?
542 *Mr. Curtis. Aye.
543 *The Clerk. Curtis votes aye.
544 Lesko?
545 *Mrs. Lesko. Aye.
546 *The Clerk. Lesko votes aye.
547 Pence?
548 *Mr. Pence. Aye.
549 *The Clerk. Pence votes aye.
550 Crenshaw?
551 [No response.]
552 *The Clerk. Joyce?
553 *Mr. Joyce. Aye.
554 *The Clerk. Joyce votes aye.
555 Armstrong?
556 *Mr. Armstrong. Yes.
557 *The Clerk. Armstrong votes aye.
558 Weber?
559 *Mr. Weber. Aye.

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560 *The Clerk. Weber votes aye.
561 Allen?
562 *Mr. Allen. Aye.
563 *The Clerk. Allen votes aye.
564 Balderson?
565 *Mr. Balderson. Aye.
566 *The Clerk. Balderson votes aye.
567 Fulcher?
568 *Mr. Fulcher. Fulcher is aye.
569 *The Clerk. Fulcher votes aye.
570 Pfluger?
571 *Mr. Pfluger. Aye.
572 *The Clerk. Pfluger votes aye.
573 Harshbarger?
574 *Mrs. Harshbarger. Aye.
575 *The Clerk. Harshbarger votes aye.
576 Miller-Meeks?
577 *Mrs. Miller-Meeks. Aye.
578 *The Clerk. Miller-Meeks votes aye.
579 Cammack?
580 *Mrs. Cammack. Aye.
581 *The Clerk. Cammack votes aye.

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582 Oberholte?

583 *Mr. Oberholte. Aye.

584 *The Clerk. Oberholte votes aye.

585 Pallone?

586 *Mr. Pallone. Aye.

587 *The Clerk. Pallone votes aye.

588 Eshoo?

589 *Ms. Eshoo. Aye.

590 *The Clerk. Eshoo votes aye.

591 DeGette?

592 *Ms. DeGette. Aye.

593 *The Clerk. DeGette votes aye.

594 Schakowsky?

595 *Ms. Schakowsky. Aye.

596 *The Clerk. Schakowsky votes aye.

597 Matsui?

598 *Ms. Matsui. Aye.

599 *The Clerk. Matsui votes aye.

600 Castor?

601 *Ms. Castor. [Inaudible.]

602 *The Clerk. Castor votes aye.

603 Sarbanes?

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604 *Mr. Sarbanes. Aye.
605 *The Clerk. Sarbanes votes aye.
606 Tonko?
607 *Mr. Tonko. Aye.
608 *The Clerk. Tonko votes aye.
609 Clarke?
610 [No response.]
611 *The Clerk. Cardenas?
612 [No response.]
613 *The Clerk. Cardenas?
614 *Mr. Cardenas. Aye.
615 *The Clerk. Cardenas votes aye.
616 Ruiz?
617 *Mr. Ruiz. Aye.
618 *The Clerk. Ruiz votes aye.
619 Peters?
620 *Mr. Peters. [Inaudible.]
621 *The Clerk. Peters votes aye.
622 Dingell?
623 *Mrs. Dingell. Aye.
624 *The Clerk. Dingell votes aye.
625 Veasey?

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626 *Mr. Veasey. Aye.
627 *The Clerk. Veasey votes aye.
628 Kuster?
629 *Ms. Kuster. Aye.
630 *The Clerk. Kuster votes aye.
631 Kelly?
632 [No response.]
633 *The Clerk. Barragan?
634 [No response.]
635 *The Clerk. Blunt Rochester?
636 *Ms. Blunt Rochester. Aye.
637 *The Clerk. Blunt Rochester votes aye.
638 Soto?
639 *Mr. Soto. Aye.
640 *The Clerk. Soto votes aye.
641 Craig?
642 *Ms. Craig. Aye.
643 *The Clerk. Craig votes aye.
644 Schrier?
645 *Ms. Schrier. Aye.
646 *The Clerk. Schrier votes aye.
647 Trahan?

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648 *Mrs. Trahan. [Inaudible.]

649 *The Clerk. Trahan votes aye.

650 Fletcher?

651 *Mrs. Fletcher. Aye.

652 *The Clerk. Fletcher votes aye.

653 *The Chair. Any member not recorded?

654 Is Johnson recorded?

655 *The Clerk. Johnson is not recorded.

656 *Mr. Johnson. Aye.

657 *The Clerk. Johnson votes aye.

658 [Pause.]

659 *The Chair. The clerk will report.

660 *The Clerk. Madam Chair, on that vote we have 46 ayes
661 and 0 nays.

662 *The Chair. The ayes have it, and the bill is adopted.
663 The chair calls up H.R. 485, as forwarded by the
664 Subcommittee on Health, and asks the clerk to report.

665 *The Clerk. Committee print of H.R. 485, as forwarded
666 by the Subcommittee on Health on March 8th, 2023. A bill to
667 amend title 11 of the Social Security Act to prohibit the use
668 of quality-adjusted life --

669 *The Chair. Without objection, the first reading of the

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670 bill is dispensed with. The bill will be open for amendment

671 at any point. So ordered.

672 [The bill follows:]

673

674 *****COMMITTEE INSERT*****

675

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676 *The Chair. I have an amendment at the desk for H.R.
677 485. The clerk will report.

678 *The Clerk. Amendment to committee print of H.R. 485,
679 offered by Mrs. Rodgers.

680 *The Chair. Without objection, the clerk will -- the
681 reading of the amendment will be dispensed with.

682 [The amendment of The Chair follows:]

683

684 *****COMMITTEE INSERT*****

685

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686 *The Chair. And I recognize myself for five minutes in
687 support of the amendment.

688 My amendment makes further changes after discussions
689 with Ranking Member Pallone, and takes into account technical
690 assistance from CMS.

691 Preventing discrimination against people with
692 disabilities should be a non-partisan issue, and I am
693 grateful for the work that we are taking on today to ban the
694 use of quality -- further ban the use of quality-adjusted
695 life years, or QALYs, and other discriminatory coverage
696 measures that devalue the lives of people with disabilities
697 in Federal health programs like Medicare and Medicaid.

698 Measurements like QALYs remove the patient and doctor
699 from deciding what is best for the patient, simply to put
700 cost without regards to the relative value that such a
701 treatment or intervention may bring. What is worse is that
702 QALYs discriminate against people with disabilities and
703 seniors by discounting the value of a patient's life just
704 because of the disabilities they may live with after the
705 course of treatment.

706 Every life has value and meaning, and we should not be
707 letting the Federal Government and health insurers continue

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708 to devalue people like this. For example, if you have the
709 disease like Duchenne's muscular dystrophy, your Medicaid
710 plan won't be able to arbitrarily decide on your behalf or
711 your doctor's behalf what the progression of the disease is,
712 or that it may be too advanced, and worth paying for
713 treatments.

714 Banning QALYs and other discriminatory measures in
715 health care is not new, and should not be controversial.
716 Let's look at where support for banning QALYs comes from.
717 The National Council on Disability, which is the Federal
718 Government's non-government agency for disability, and it has
719 recommended that Congress ban QALYs. Over 70 disability
720 rights organizations for this bill support H.R. 485.

721 And the first-ever prohibitions on QALYs in Medicare
722 were put into law by the Democrats in the Affordable Care
723 Act, the ACA. The ACA wrote the following: "The Secretary
724 shall not utilize such an adjusted life year or such a
725 similar measure as a threshold to determine coverage,
726 reimbursement, or incentive programs under Medicare."

727 H.R. 485 extends these specific policies to other
728 Federal care programs like Medicaid; makes clear that this
729 prohibition cannot be waived by the Centers for Medicare and

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730 Medicaid Innovation; and that private plans that approve
731 Medicaid or Medicare Advantage follow the same rules
732 regarding the use of QALYs.

733 I encourage all of my colleagues to vote yes on this
734 bill today.

735 The chair recognizes -- and I yield back. The chair
736 recognizes the ranking member, Mr. Pallone.

737 *Mr. Pallone. Thank you, Madam Chair.

738 As the Chair knows, I am committed to working in a
739 bipartisan way to hopefully achieve consensus on this
740 legislation. However unfortunately, we have not been able to
741 reach agreement by today. It is disappointing, as my staff
742 and I have worked in good faith on the bill. But as I noted
743 that the subcommittee markup, I need assurances that nothing
744 in this legislation will go beyond ending the use of QALYs,
745 or could be used to delay or disrupt the implementation of
746 drug price negotiation.

747 As the chair stated in our Health Subcommittee markup,
748 her intent with this bill was to prohibit the use of QALYs
749 and other discriminatory measures in all Federal programs,
750 and she said it is possible for the government to evaluate
751 the effectiveness of cures and treatments without devaluing

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752 the lives of seniors and people with disabilities. And that
753 is a policy that I remain willing to support, as I don't
754 believe it is acceptable to measure people's lives as more or
755 less valuable than others.

756 However, the amendment before us, unfortunately, has the
757 potential, in my opinion, to go beyond this by inserting new
758 ambiguity into the statute that could be interpreted to ban
759 other non-discriminatory measures like the Equal Value Life
760 Year measure. And while I appreciate the majority has
761 carried over the language we use in the Inflation Reduction
762 Act, I fear in the context of this statutory provision it
763 could create uncertainty without further clarification, which
764 is what my amendment provides.

765 This language also represents a major expansion of the
766 application of the language across all Federal health
767 programs, including Medicare Advantage and Medicaid Managed
768 Care, as well as many programs outside our jurisdiction, such
769 as the VA and TRICARE. So I think it is important that we
770 get it right.

771 Any drafting uncertainty is concerning, given the
772 implications for this policy. Cost effectiveness research is
773 an important tool to ensure that Big Pharma can't gouge the

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774 American people for drugs that don't provide clear
775 improvements over the status quo. And I am not supportive of
776 efforts to widely ban cost effective research, which is, I am
777 afraid, what this amendment, meaning the chair's amendment,
778 as drafted, could be interpreted to do, and make this section
779 ripe for potential litigation from Big Pharma.

780 So I just want to be clear. I support the use of value
781 measures like the Equal Value Life Years measure that is
782 designed specifically to address the concerns about QALYs
783 from the disability community, but still provides a mechanism
784 for determining the value of a drug for every person the same
785 way.

786 Many in the disability and patient communities do not
787 have concerns with Equal Value Life Years, and support our
788 efforts to ensure that this and other non-discriminatory
789 measures can be used to lower pharmaceutical costs, and I
790 will be entering into the record the statements of several
791 patient organizations to this effect.

792 So evLYs, as I mentioned, are not discriminatory. And I
793 am concerned that the Republicans' late-breaking effort to
794 ban them as well is a clear example of moving the goal post.
795 Based on the chairwoman's earlier comments, I believe that

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796 her intent was to ban the use of QALYs in Federal health
797 programs, and only recently have we learned that the intent
798 may be to leave the door open to bar the use of evLYs. And I
799 am concerned that, without clear language, we will also sweep
800 in other measures that are objective and non-discriminatory.

801 And ultimately, Big Pharma would prefer to have no
802 metrics to help payers and our Federal Government make
803 comparisons on the value of different drugs, because they
804 would prefer to be able to unilaterally set their list price
805 as high as possible, regardless of whether the drug
806 represents any improvement over therapeutic alternatives.

807 So I just want to remind folks again of what is at stake
808 here, and let me give a few examples of drugs used to treat
809 serious conditions that can result in disability. According
810 to the National MS Society, the median annual price of a
811 brand-name drug used to treat MS was \$94,000.

812 For Duchenne muscular dystrophy, the list price was
813 roughly 35,000 a year. Drugs to treat spinal muscular
814 atrophy such as Spinraza and Zolgensma -- if I am pronouncing
815 them right -- can cost over \$1 million a year. Due to these
816 costs, these drugs are unavailable to many American families
817 who do not have access or experienced severe economic

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818 hardship in order to afford these drugs. And I just think it
819 is wrong to say that the Federal Government should not be
820 able to use any tools to evaluate how these drugs compare.

821 So I plan to offer an amendment -- that, I guess, would
822 be an amendment to your amendment, Madam Chair -- that would
823 make clear that evLYs and other non-discriminatory measures
824 can continue to be utilized by the Federal Government in
825 order to protect patients from the unfair price gouging
826 tactics of the pharmaceutical industry, while also banning
827 the use of QALYs that I recognize are discriminatory.

828 And I am disappointed that we were unwilling -- were
829 unable to reach agreement on a consensus today, and that we
830 are moving forward in a partisan manner. But I do believe
831 the Republicans have moved the goalposts beyond the bill's
832 initial intent, and I hope that we can work this out and come
833 to a consensus that would not harm or potentially harm the
834 implementation of the Inflation Reduction Act.

835 And it is for that reason I oppose the chair's amendment
836 and the underlying bill, unless my amendment as a secondary
837 amendment ultimately passes. And I will be offering that
838 shortly, Madam Chair.

839 *The Chair. The gentleman yields back. The chair

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840 recognizes the gentleman from -- Mr. Burgess.

841 For what purpose?

842 *Mr. Burgess. Thank you. I move to strike the last
843 word.

844 *The Chair. The gentleman is recognized.

845 *Mr. Burgess. And I will yield to the chairman.

846 *The Chair. I appreciate the gentleman yielding. I
847 just would like to respond to some of the points that were
848 made by the ranking member, and I appreciate all of the hard
849 work that the ranking member and his staff have put into this
850 bill to get it to where it is now.

851 Since our first hearing on this bill, we have gone
852 through a number of rounds of technical assistance, and we
853 have resolved all of the concerns that the Centers for
854 Medicare and Medicaid Services raised on the bill to help us
855 make sure that it would be operable. But I have concerns
856 about the amendment that the ranking member is bringing
857 forward.

858 Mr. Pallone's amendment would call out and declare a
859 specific cost effectiveness tool. It is called the quality
860 -- or the Equal Value of Life Year Gained, Equal Value Life
861 Year Gained, to be the non-discriminatory measure, regardless

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862 of the circumstance in which it is used. I don't know all of
863 the details of this tool, as it was just raised on Monday,
864 but I do know that there are some concerns with the measure.

865 The National Council on Disability says, "While Equal
866 Value Life Year Gained eliminates the risk of under-valuing
867 life extension for people with disabilities, it affords no
868 value to quality-of-life improvements."

869 The Disability Rights, Education, and Defense Fund says,
870 "Adding Equal Value Life Year Gained is irrelevant to fixing
871 the QALY. It simply forces a trade-off between considering
872 quality or undiscounted length of life when appropriate
873 valuation should take both such measures into account."

874 That is the Disability Rights, Education, and Defense Fund.

875 The Partnership to Improve Patient Care, which includes
876 Autism Society of America and the National Alliance of Mental
877 Health, says, "Failing to account for symptom and quality-of-
878 life improvements ignores key aspects of value that are
879 important to patients, and important to different degrees for
880 different patients."

881 Maybe this measure, when paired with others in a
882 specific circumstance, can be non-discriminatory. But I
883 can't sit here today, and with those concerns tell you that

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884 every scenario this measure is appropriate. At best, it
885 seems like an imperfect metric. At worst, it will be a
886 discriminatory metric. Either way, I do not support
887 specifying that this is appropriate in the bill.

888 Because the bill only prohibits the usage of
889 discriminatory measures, if this measure is truly not
890 discriminatory in the circumstance in which it is used, H.R.
891 485 will allow it. If it is discriminatory, though, the
892 measure shouldn't be used.

893 The arguments being given about this measure, that it is
894 necessary to implement the IRA, also raises questions.
895 Current law says the Secretary shall not utilize such an
896 adjusted life year, or such a similar measure as a threshold
897 to determine coverage, reimbursement, or incentive programs
898 under title 18, the Medicare title. Let's repeat that for
899 just a second: "Shall not utilize such an adjusted life
900 year, or such a similar measure.'" Current law is clear. We
901 shall not use adjusted life years, which are QALYs, in
902 Medicare.

903 It is also clear other similar discriminatory measures
904 are not to be used either. If it is clear that current law
905 says we shouldn't be using discriminatory measures in

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906 Medicare, how could this bill possibly be undermining the
907 IRA, which impacts Medicare drug coverage?

908 Some academics are writing that this metric is pivotal
909 to the ability of Health and Human Services to negotiate drug
910 prices, and are trying to portray my bill as going too far.
911 As we just showed, though, this is untrue because Medicare is
912 already prohibiting the discriminatory practices in this
913 manner, and my bill doesn't go any further than current law.

914 I will be voting no on this amendment, and I encourage
915 my colleagues -- or on the -- not on this amendment. I will
916 be voting yes on my amendment. I will be voting no on the
917 ranking member's amendment, and I encourage my colleagues to
918 do so, as well.

919 And I yield back the balance of my time. Is there
920 further discussion?

921 *Mr. Burgess. [Inaudible.]

922 *The Chair. Thank you, the gentleman yields back.

923 For what purpose does the lady from California seek
924 recognition?

925 *Ms. Eshoo. I move to strike the last word.

926 *The Chair. Ms. Eshoo is recognized for five minutes to
927 strike the last word.

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928 *Ms. Eshoo. Thank you, Madam Chairwoman. At the heart
929 of this bill and the amendment is the use of quality-adjusted
930 life years, which has been stated by whomever has spoken this
931 morning on this legislation -- and you all know that this is
932 a cost effectiveness metric that inherently devalues the
933 lives of people with a disability versus the lives of people
934 without one.

935 For more than 20 years, disability rights advocates have
936 opposed the use of QALYs. And to address this concern, as
937 has been stated -- but it is worth restating -- Democrats
938 included a ban on QALYs in Medicare in the Affordable Care
939 Act in 2010. Last year Democrats further clarified that
940 QALYs could not be used as part of Medicare's prescription
941 drug price negotiations in the IRA.

942 My staff and I have worked very hard to try and get to a
943 bipartisan agreement on this bill that aims to extend the ban
944 on QALYs to include Medicaid, the Children's Health Insurance
945 Program, and Medicare's demonstration authority.
946 Unfortunately, obviously, we didn't get there in time for
947 today's markup. But I do think, with a bit more time, we can
948 do it.

949 I support an extension of the QALYs ban to other Federal

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950 programs, but what needs more discussion is whether the bill,
951 as currently written, bans other types of cost effectiveness
952 analysis, including analyses that consider whether a drug
953 causes harmful side effects or whether a pediatric drug is
954 valuable because it saves a child's life.

955 So, Madam Chairwoman, I would like to engage in a
956 colloquy with you.

957 *The Chair. Okay.

958 *Ms. Eshoo. Okay. I would like to ask you to not take
959 this bill up today so that we can continue our bipartisan
960 work on it. It is just too important to let this, in my
961 view, fall apart. So can we move the bill forward during the
962 next committee, full committee, markup?

963 *The Chair. Well, unfortunately, I believe it is
964 important that we move the bill today. We have been working
965 on this legislation. I am committed to continuing to work to
966 hammer out the specific language so that we ultimately will
967 be able to pass this bill with bipartisan support.

968 I recognize that the Democrats have included QALY
969 language in the ACA and in the Inflation Reduction Act. The
970 language before us, I believe, is in alignment with that
971 language. And in order to get this to the floor, I want to

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972 move it forward today.

973 *Ms. Eshoo. Well, I look forward to working with you on
974 -- in the manner that you just stated, that we will work
975 toward a bipartisan agreement before getting to the floor.

976 *The Chair. Yes, you have -- thank you. You have my
977 commitment to continue to work to get some agreed-upon
978 language.

979 *Ms. Eshoo. Well, on that positive note, I will yield
980 back. Thank you.

981 *The Chair. The gentlelady yields back. Does anyone
982 else seek recognition?

983 For what purpose does the gentlelady seek recognition?

984 *Ms. Schakowsky. I move to strike the last word.

985 *The Chair. Ms. Schakowsky is recognized for five
986 minutes to strike the last word.

987 *Ms. Schakowsky. I just want to chime in in saying I
988 really do not think that the piece of legislation that the
989 Republicans have put before us is really ready for prime
990 time. But on the other hand, I think what we have been
991 hearing from the members on this side of the aisle is that we
992 do believe that we can get there.

993 I mean, I think there definitely are, at least for us,

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994 some unintended consequences that it will, among other
995 things, hurt any kind of drug price negotiations. But we
996 certainly, you know, agree that we should get rid of QALYs.
997 But we just are very concerned that, as written, that this
998 bill will prevent any kind of measures that will help protect
999 people with disabilities and low-income people.

1000 And so I am just echoing what I heard from the ranking
1001 member of the committee and Representative Eshoo that -- why
1002 would we not continue with negotiations that are underway
1003 that can achieve a bipartisan agreement, do it now?

1004 I understand what you are saying is that we want to make
1005 sure that happens before we send it out of the full
1006 committee. But it seems to me that we ought to right now,
1007 given the opportunity, to work together to negotiate.

1008 And with that, I yield back my time.

1009 *The Chair. The gentlelady yields back. Is there
1010 further discussion?

1011 The vote occurs on --

1012 *Mr. Pallone. Madam Chair, I think I have to --

1013 *The Chair. Okay.

1014 *Mr. Pallone. -- move my amendment as an amendment to
1015 your amendment, unless I am mistaken. Is that correct? Yes.

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1016 *The Chair. Okay.

1017 *Mr. Pallone. So I have to -- I have a secondary
1018 amendment.

1019 *The Chair. Oh, yes. Is there further -- okay, so
1020 further amendments, right?

1021 *Mr. Pallone. I believe I have -- she can speak on
1022 mine. Yes, I think I have to move it as a secondary
1023 amendment to yours. So I would --

1024 *The Chair. Okay, the gentleman is recognized for
1025 purposes of offering his amendment.

1026 *Mr. Pallone. So I move to strike the last word and an
1027 amendment to the chair's amendment to H.R. 485.

1028 *The Chair. The clerk will report.

1029 *The Clerk. Amendment to the amendment to the committee
1030 print of H.R. 485, offered by Mr. Pallone. In lieu of the
1031 section 2 proposed to be inserted by the amendment, insert
1032 the following new section. Section 2, prohibiting the use of
1033 quality-adjusted life years and similar measures, and
1034 coverage and payment determinations under Federal health care
1035 programs. In general, section 1182(e) of the Social Security
1036 Act is amended by inserting "or treats extending the life of
1037 elderly, disabled, or'" --

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1038 *The Chair. Oh, the clerk will suspend, without
1039 objection, the further reading of the amendment.

1040 [The amendment of Mr. Pallone follows:]

1041

1042 *****COMMITTEE INSERT*****

1043

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1044 *The Chair. The gentleman is recognized in support of
1045 his amendment.

1046 *Mr. Pallone. Thank you, Madam Chair. When this bill
1047 was before the Subcommittee on Health, I said that, while I
1048 still had concerns about the language, I would agree to
1049 support the bill out of subcommittee so that we could
1050 continue to work on it to resolve our differences. And, as I
1051 said earlier, we have been in good faith negotiations for the
1052 past two weeks. But ultimately, we were not able to reach an
1053 agreement.

1054 So, Madam Chair, my amendment meets the goals I believe
1055 that you set for this legislation during the subcommittee
1056 markup, in that it would ban the use of QALYs across Federal
1057 health programs, while allowing the Federal Government to
1058 evaluate the effectiveness of treatments without devaluing
1059 the lives of seniors and individuals with disabilities. In
1060 fact, my amendment would make clear that measures -- and I
1061 quote -- "value each year of extended life equally,
1062 irrespective of whether the individual is elderly, disabled,
1063 or terminally ill'" would be permissible.

1064 So specifically, the amendment will allow Federal health
1065 programs to use equal value life years to determine the value

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1066 of drugs. evLYs treat every year of life gained as the same,
1067 regardless of the person's disability. The National Council
1068 on Disability, an independent agency the chairwoman spoke of
1069 favorably included evLYs in its report on alternative
1070 measures to the QALY.

1071 Furthermore, numerous organizations have asked Congress
1072 to ensure Medicare and Medicaid can continue to use non-
1073 discriminatory measures like evLYs to determine the value of
1074 drugs.

1075 So the amendment before us would be a significant
1076 victory, in my opinion, for the disability community. It
1077 would once and for all ensure that Medicare and Medicaid do
1078 not treat any life as less valuable than another. It would
1079 ensure that Medicare and Medicaid reward innovation and
1080 encourage the development of high-value drugs that can help
1081 extend the lives of all individuals, while holding
1082 pharmaceutical companies accountable for high drug prices.

1083 And my amendment, I think, is a fair compromise that
1084 would accomplish the chairwoman's intent, while addressing
1085 the concerns I expressed during the subcommittee markup. And
1086 Democrats, of course, as you can tell from the other members
1087 that spoke today, we stand willing to work with our

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1088 Republican colleagues to help make this policy become law.

1089 So, Madam Chair, I know you are passionate about this
1090 issue. I know this bill is -- would be a signature
1091 legislative accomplishment that has long been a priority for
1092 the disability community. But I do think that it -- that my
1093 amendment would correct any problems, and make the bill even
1094 stronger, and more likely to pass, and pass the Senate.

1095 So I urge my colleagues to support -- to adopt this
1096 amendment, and I yield back.

1097 *The Chair. The gentleman yields back. The chair
1098 recognizes herself in opposition to the amendment.

1099 I have already outlined my concerns with the amendment,
1100 my ultimate opposition to this amendment, and I will yield
1101 back. Is there further discussion?

1102 *Mr. Pallone. We want a vote on my secondary --

1103 *The Chair. Okay.

1104 *Mr. Pallone. I mean a recorded vote.

1105 *The Chair. Okay. The chair -- for what purpose does
1106 the gentelady seek recognition?

1107 *Ms. Schakowsky. To strike the last word.

1108 *The Chair. The gentelady is recognized for five
1109 minutes to strike the last word.

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1110 *Ms. Schakowsky. I wanted to strongly support the
1111 ranking member's amendment. This moves us in the right
1112 direction, absolutely.

1113 It seems to me that, you know, what it does is allow for
1114 non-discriminatory action, and I think it does embody still
1115 what -- the efforts that we want to achieve. And so I just
1116 think that, you know, as we move toward getting the right
1117 bill -- because I think we share many of the goals -- that we
1118 pass this amendment. And with that, I yield back.

1119 *The Chair. The gentlelady yields back. For what
1120 purpose does the gentlelady seek recognition?

1121 *Mrs. Dingell. Madam Chair, I move to strike the last
1122 word to speak in support of the Pallone amendment.

1123 *The Chair. Mrs. Dingell is recognized for five
1124 minutes.

1125 *Mrs. Dingell. Thank you, Madam Chair.

1126 First of all, I want to recognize you for all of your
1127 work. And I know how much you care about this issue, as
1128 well. But as co-chair of the Disability Caucus handpicked by
1129 Jim Langevin and co-chair of the Senior Caucus with my
1130 colleague behind me, I can't not speak.

1131 We keep -- we know that no one should be made to feel

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1132 less valued due to their disability. Quality-adjusted life
1133 years are known discriminatory metrics that devalue the lives
1134 of aging Americans and those living with disabilities. And
1135 that is why I think everybody here is supportive of the
1136 original intent of this bill, to ban clause in all Federal
1137 programs.

1138 However, I think I am disappointed that we can't come to
1139 an agreement on the underlying bill to prevent the use of
1140 these discriminatory metrics while simultaneously protecting
1141 the use of very clear and well-defined tools to keep the cost
1142 of drugs low. We do not believe other non-discriminatory
1143 measures should be banned. And unfortunately, the Republican
1144 amendment just -- it doesn't provide the certainty that is
1145 needed on that.

1146 We have a responsibility to protect Americans from
1147 exorbitant drug prices that are actively harming communities
1148 across the nation. And it is really critical that we do it
1149 in a way that is clear and precise. I know and I appreciate
1150 that the Republican amendment uses language that we support
1151 in the -- that was in the IRA. But the amendment inserts
1152 this language into a new part of the statute that creates
1153 ambiguities for its meaning, unless it is further clarified.

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1154 So that is why I would urge all of my colleagues to
1155 support the Pallone amendment, instead. With this amendment
1156 we can ban the use of QALYs, which I think we all do, while
1157 preserving critical tools to protect all Americans from the
1158 harms of high drug prices, which too often falls
1159 discriminately onto people with disabilities, chronic
1160 illnesses, and terminal illnesses.

1161 I know everybody in this room cares deeply about
1162 Americans with disabilities, and it is my hope this committee
1163 can continue to work to identify ways to positively impact
1164 the lives of all Americans.

1165 I urge my colleagues to support the Pallone amendment,
1166 and I yield back.

1167 *The Chair. The gentlelady yields back. The chairman
1168 recognizes the member from Texas.

1169 *Mr. Burgess. I move to strike the last word.

1170 *The Chair. The gentleman is recognized for five
1171 minutes to strike the last word.

1172 *Mr. Burgess. I yield to the chairwoman.

1173 *The Chair. Thank you, I appreciate the gentleman
1174 yielding.

1175 For the members I just want to clarify that this is the

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1176 first time that a specific metric would be inserted into
1177 statute, and that is what is of grave concern to me in --
1178 this is -- we have never specified a specific metric in
1179 statute before, whether it was the ACA or the IRA. And at
1180 best, it seems like an imperfect metric. At worst, it could
1181 be a discriminatory metric. So either way, I do not support
1182 specifying a specific metric into the bill. I do not believe
1183 it is appropriate.

1184 And because the bill only prohibits the usage of
1185 discriminatory measures, if the measure is truly not
1186 discriminatory in this circumstance, H.R. 485, the underlying
1187 bill, would allow it. So I am concerned about the potential
1188 of this being a discriminatory metric.

1189 I am committed to continuing to work with the Democrats
1190 to hammer out the language, but I do oppose -- so this is
1191 inserting -- the metric is called the Every Life Year
1192 Adjusted -- the Every -- the Equal Value Life Year. This is
1193 a specific metric that is being proposed to be added through
1194 the ranking member's amendment, and I oppose adding a
1195 specific metric. It would be the first time that it is done.

1196 And as I stated, disability groups have concerns. The
1197 National Council on Disability says that, "While the Equal

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1198 Life Year -- Equal Value Life Year metric eliminates the risk
1199 of undervaluing life extension for people with disabilities,
1200 it affords no value to quality-of-life improvements.' ' And I
1201 stated what other disability groups have stated as far as
1202 having concerns with this specific metric.

1203 I will yield back to the gentleman.

1204 *Mr. Pallone. Would Mr. -- could I ask the doctor to
1205 yield to me with the time, or some of the time you have
1206 remaining?

1207 *Mr. Burgess. I am thinking it over.

1208 [Laughter.]

1209 *Mr. Pallone. I know we are not in Rules, so it is
1210 okay.

1211 [Laughter.]

1212 *Mr. Burgess. I will be happy to yield to the
1213 gentleman.

1214 *Mr. Pallone. Thank you. I just wanted to say we don't
1215 -- I mean, again, I don't know how much we want to keep
1216 belaboring this, but I did want to say we don't -- my
1217 amendment doesn't specifically say that evLYs, as a metric,
1218 are included. But what it says is -- and I quote -- that the
1219 value of each year of extended life, equally irrespective of

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1220 whether the individual is elderly, disabled, or terminally
1221 ill, would be permissible.

1222 I know you would probably say that that is allowing the
1223 evLYs, or specifically mentioning the evLYs, but I don't see
1224 it that way. I don't want to keep arguing. I think the
1225 points are being made here, and we can move on. Thank you.

1226 *Mr. Burgess. You know, for once I agree with the
1227 gentleman. I don't want to keep arguing either, so I will
1228 yield back the time.

1229 [Laughter.]

1230 *The Chair. Okay, the gentleman yields back. The vote
1231 occurs on the ranking member's amendment.

1232 All those in favor, say aye.

1233 Those opposed, nay.

1234 The nays have it.

1235 *Mr. Pallone. I would ask for a roll call.

1236 *The Chair. The gentleman has requested a recorded
1237 vote. The clerk will call the roll.

1238 *The Clerk. Rodgers?

1239 *The Chair. No.

1240 *The Clerk. Rodgers votes no.

1241 Burgess?

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1242 *Mr. Burgess. Burgess votes no.
1243 *The Clerk. Burgess votes no.
1244 Latta?
1245 [No response.]
1246 *The Clerk. Guthrie?
1247 *Mr. Guthrie. No.
1248 *The Clerk. Guthrie votes no.
1249 Griffith?
1250 *Mr. Griffith. No.
1251 *The Clerk. Griffith votes no.
1252 Bilirakis?
1253 *Mr. Bilirakis. No.
1254 *The Clerk. Bilirakis votes no.
1255 Johnson?
1256 *Mr. Johnson. No.
1257 *The Clerk. Johnson votes no.
1258 Bucshon?
1259 [No response.]
1260 *The Clerk. Hudson?
1261 *Mr. Hudson. No.
1262 *The Clerk. Hudson votes no.
1263 Walberg?

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1264 *Mr. Walberg. No.
1265 *The Clerk. Walberg votes no.
1266 Carter?
1267 *Mr. Carter. No.
1268 *The Clerk. Carter votes no.
1269 Duncan?
1270 *Mr. Duncan. No.
1271 *The Clerk. Duncan votes no.
1272 Palmer?
1273 [No response.]
1274 *The Clerk. Dunn?
1275 *Mr. Dunn. No.
1276 *The Clerk. Dunn votes no.
1277 Curtis?
1278 *Mr. Curtis. [Inaudible.]
1279 *The Clerk. Curtis votes no.
1280 Lesko?
1281 *Mrs. Lesko. No.
1282 *The Clerk. Lesko votes no.
1283 Pence?
1284 *Mr. Pence. No.
1285 *The Clerk. Pence votes no.

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1286 Crenshaw?
1287 *Mr. Crenshaw. No.
1288 *The Clerk. Crenshaw votes no.
1289 Joyce?
1290 *Mr. Joyce. No.
1291 *The Clerk. Joyce votes no.
1292 Armstrong?
1293 *Mr. Armstrong. No.
1294 *The Clerk. Armstrong votes no.
1295 Weber?
1296 [No response.]
1297 *The Clerk. Allen?
1298 *Mr. Allen. [Inaudible.]
1299 *The Clerk. Allen votes no.
1300 Balderson?
1301 *Mr. Balderson. No.
1302 *The Clerk. Balderson votes no.
1303 Fulcher?
1304 *Mr. Fulcher. [Inaudible.]
1305 *The Clerk. Fulcher votes no.
1306 Pfluger?
1307 *Mr. Pfluger. No.

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1308 *The Clerk. Pfluger votes no.
1309 Harshbarger?
1310 *Mrs. Harshbarger. [Inaudible.]
1311 *The Clerk. Harshbarger votes no.
1312 Miller-Meeks?
1313 *Mrs. Miller-Meeks. No.
1314 *The Clerk. Miller-Meeks votes no.
1315 Cammack?
1316 *Mrs. Cammack. No.
1317 *The Clerk. Cammack votes no.
1318 Obernolte?
1319 *Mr. Obernolte. [Inaudible.]
1320 *The Clerk. Obernolte votes no.
1321 Pallone?
1322 *Mr. Pallone. Aye.
1323 *The Clerk. Pallone votes aye.
1324 Eshoo?
1325 *Ms. Eshoo. [Inaudible.]
1326 *The Clerk. Eshoo votes aye.
1327 DeGette?
1328 *The Clerk. Oh, okay, oh, I am sorry.
1329 *Ms. DeGette. [Inaudible.]

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1330 *The Clerk. DeGette votes aye.
1331 Schakowsky?
1332 *Ms. Schakowsky. Aye.
1333 *The Clerk. Schakowsky votes aye.
1334 Matsui?
1335 *Ms. Matsui. Aye.
1336 *The Clerk. Matsui votes aye.
1337 Castor?
1338 *Ms. Castor. [Inaudible.]
1339 *The Clerk. Castor votes aye.
1340 Sarbanes?
1341 *Mr. Sarbanes. Aye.
1342 *The Clerk. Sarbanes votes aye.
1343 Tonko?
1344 *Mr. Tonko. Aye.
1345 *The Clerk. Tonko votes aye.
1346 Clarke?
1347 *Ms. Clarke. Aye.
1348 *The Clerk. Clarke votes aye.
1349 Cardenas?
1350 *Mr. Cardenas. Aye.
1351 *The Clerk. Cardenas votes aye.

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1352 Ruiz?
1353 *Mr. Ruiz. Aye.
1354 *The Clerk. Ruiz votes aye.
1355 Peters?
1356 *Mr. Peters. Aye.
1357 *The Clerk. Peters votes aye.
1358 Dingell?
1359 *Mrs. Dingell. Aye.
1360 *The Clerk. Dingell votes aye.
1361 Veasey?
1362 *Mr. Veasey. Aye.
1363 *The Clerk. Veasey votes aye.
1364 Kuster?
1365 *Ms. Kuster. Aye.
1366 *The Clerk. Kuster votes aye.
1367 Kelly?
1368 [No response.]
1369 *The Clerk. Barragan?
1370 *Ms. Barragan. Aye.
1371 *The Clerk. Barragan votes aye.
1372 Blunt Rochester?
1373 *Ms. Blunt Rochester. Aye.

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1374 *The Clerk. Blunt Rochester votes aye.
1375 Soto?
1376 *Mr. Soto. Aye.
1377 *The Clerk. Soto votes aye.
1378 Craig?
1379 *Ms. Craig. Aye.
1380 *The Clerk. Craig votes aye.
1381 Schrier?
1382 *Ms. Schrier. Aye.
1383 *The Clerk. Schrier votes aye.
1384 Trahan?
1385 *Mrs. Trahan. [Inaudible.]
1386 *The Clerk. Trahan votes aye.
1387 Fletcher?
1388 *Mrs. Fletcher. Aye.
1389 *The Clerk. Fletcher votes aye.
1390 *The Chair. [Inaudible.]
1391 *The Clerk. Rep. Weber is not recorded.
1392 *Mr. Weber. I vote no.
1393 *The Clerk. Weber votes no.
1394 *Mr. Latta. Latta votes no.
1395 *The Clerk. Latta votes no.

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1396 *The Chair. How is Rep. Eshoo recorded?
1397 *The Clerk. Rep. Eshoo is recorded as present.
1398 *The Chair. The clerk will report.
1399 *The Clerk. Madam Chair, on that vote we have 21 ayes,
1400 27 nays, and 1 present.
1401 *The Chair. The amendment is not agreed to.
1402 Okay, the vote now occurs on approving -- on the Rodgers
1403 Amendment.
1404 All those in favor, say aye.
1405 Those opposed, nay.
1406 The ayes have it. The amendment is agreed to.
1407 The question now occurs on approving H.R. 485, as
1408 amended. A recorded vote has been requested. The clerk will
1409 call the roll.
1410 *The Clerk. Rodgers?
1411 *The Chair. Aye.
1412 *The Clerk. Rodgers votes aye.
1413 Burgess?
1414 *Mr. Burgess. Burgess votes aye.
1415 *The Clerk. Burgess votes aye.
1416 Latta?
1417 [No response.]

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1418 *The Clerk. Guthrie?
1419 *Mr. Guthrie. Aye.
1420 *The Clerk. Guthrie votes aye.
1421 Griffith?
1422 *Mr. Griffith. Aye.
1423 *The Clerk. Griffith votes aye.
1424 Bilirakis?
1425 *Mr. Bilirakis. Aye.
1426 *The Clerk. Bilirakis votes aye.
1427 Johnson?
1428 *Mr. Johnson. Aye.
1429 *The Clerk. Johnson votes aye.
1430 Bucshon?
1431 [No response.]
1432 *The Clerk. Hudson?
1433 *Mr. Hudson. Aye.
1434 *The Clerk. Hudson votes aye.
1435 Walberg?
1436 *Mr. Walberg. Aye.
1437 *The Clerk. Walberg votes aye.
1438 Carter?
1439 *Mr. Carter. Aye.

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1440 *The Clerk. Carter votes aye.
1441 Duncan?
1442 *Mr. Duncan. Aye.
1443 *The Clerk. Duncan votes aye.
1444 Palmer?
1445 [No response.]
1446 *The Clerk. Dunn?
1447 *Mr. Dunn. Aye.
1448 *The Clerk. Dunn votes aye.
1449 Curtis?
1450 *Mr. Curtis. Aye.
1451 *The Clerk. Curtis votes aye.
1452 Lesko?
1453 *Mrs. Lesko. Aye.
1454 *The Clerk. Lesko votes aye.
1455 Pence?
1456 *Mr. Pence. Aye.
1457 *The Clerk. Pence votes aye.
1458 Crenshaw?
1459 *Mr. Crenshaw. Aye.
1460 *The Clerk. Crenshaw votes aye.
1461 Joyce?

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1462 *Mr. Joyce. Aye.
1463 *The Clerk. Joyce votes aye.
1464 Armstrong?
1465 *Mr. Armstrong. Yes.
1466 *The Clerk. Armstrong votes aye.
1467 Weber?
1468 [No response.]
1469 *The Clerk. Allen?
1470 *Mr. Allen. Aye.
1471 *The Clerk. Allen votes aye.
1472 Balderson?
1473 *Mr. Balderson. Aye.
1474 *The Clerk. Balderson votes aye.
1475 Fulcher?
1476 *Mr. Fulcher. [Inaudible.]
1477 *The Clerk. Fulcher votes aye.
1478 Pfluger?
1479 *Mr. Pfluger. [Inaudible.]
1480 *The Clerk. Pfluger votes aye.
1481 Harshbarger?
1482 *Mrs. Harshbarger. [Inaudible.]
1483 *The Clerk. Harshbarger votes aye.

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1484 Miller-Meeks?
1485 *Mrs. Miller-Meeks. [Inaudible.]
1486 *The Clerk. Miller-Meeks votes aye.
1487 Cammack?
1488 [No response.]
1489 *The Clerk. Obernolte?
1490 *Mr. Obernolte. Aye.
1491 *The Clerk. Obernolte votes aye.
1492 Pallone?
1493 *Mr. Pallone. No.
1494 *The Clerk. Pallone votes no.
1495 Eshoo?
1496 *Ms. Eshoo. Present.
1497 *The Clerk. Eshoo votes present.
1498 DeGette?
1499 *Ms. DeGette. No.
1500 *The Clerk. DeGette votes no.
1501 Schakowsky?
1502 *Ms. Schakowsky. No.
1503 *The Clerk. Schakowsky votes no.
1504 Matsui?
1505 *Ms. Matsui. No.

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1506 *The Clerk. Matsui votes no.
1507 Castor?
1508 *Ms. Castor. No.
1509 *The Clerk. Castor votes no.
1510 Sarbanes?
1511 *Mr. Sarbanes. No.
1512 *The Clerk. Sarbanes votes no.
1513 Tonko?
1514 *Mr. Tonko. No.
1515 *The Clerk. Tonko votes no.
1516 Clarke?
1517 *Ms. Clarke. [Inaudible.]
1518 *The Clerk. Clarke votes no.
1519 Cardenas?
1520 *Mr. Cardenas. No.
1521 *The Clerk. Cardenas votes no.
1522 Ruiz?
1523 *Mr. Ruiz. No.
1524 *The Clerk. Ruiz votes no.
1525 Peters?
1526 *Mr. Peters. [Inaudible.]
1527 *The Clerk. Peters votes no.

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1528 Dingell?
1529 *Mrs. Dingell. [Inaudible.]
1530 *The Clerk. Dingell votes no.
1531 Veasey?
1532 *Mr. Veasey. No.
1533 *The Clerk. Veasey votes no.
1534 Kuster?
1535 *Ms. Kuster. [Inaudible.]
1536 *The Clerk. Kuster votes no.
1537 Kelly?
1538 [No response.]
1539 *The Clerk. Barragan?
1540 *Ms. Barragan. No.
1541 *The Clerk. Barragan votes no.
1542 Blunt Rochester?
1543 [No response.]
1544
1545 *The Clerk. Soto?
1546 *Mr. Soto. [Inaudible.]
1547 *The Clerk. Soto votes no.
1548 Craig?
1549 *Ms. Craig. No.

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1550 *The Clerk. Craig votes no.
1551 Schrier?
1552 *Ms. Schrier. [Inaudible.]
1553 *The Clerk. Schrier votes no.
1554 Trahan?
1555 *Mrs. Trahan. [Inaudible.]
1556 *The Clerk. Trahan votes no.
1557 Fletcher?
1558 *Mrs. Fletcher. No.
1559 *The Clerk. Fletcher votes aye.
1560 *The Chair. Any member seeking to be recorded?
1561 Madam Clerk, how is Latta recorded?
1562 *The Clerk. Latta is not recorded.
1563 *Mr. Latta. Latta votes aye.
1564 *The Clerk. Latta votes aye.
1565 *The Chair. How is Cammack recorded?
1566 *The Clerk. Cammack is not recorded.
1567 *Mrs. Cammack. Cammack votes aye.
1568 *The Clerk. Cammack votes aye.
1569 *The Chair. Madam Clerk, is Pfluger recorded?
1570 *The Clerk. Pfluger? Pfluger is recorded as aye.
1571 [Pause.]

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1572 *The Clerk. Weber is not recorded.

1573 *Mr. Weber. Aye.

1574 *The Clerk. Weber votes aye.

1575 [Pause.]

1576 *The Chair. The clerk will report.

1577 *The Clerk. Madam Chair, on that vote we have 27 ayes,
1578 20 nays, and 1 present.

1579 *The Chair. The ayes have it, the bill is adopted,
1580 passed.

1581 The chair calls up H.R. 467, as forwarded by the
1582 Subcommittee on Health, and asks the clerk to report.

1583 *The Clerk. Committee print of H.R. 467, as favorably
1584 forwarded by the Subcommittee on Health on March 8th, 2023.

1585 *The Chair. Without objection, the first reading of the
1586 bill is dispensed with. The bill will be open for amendment
1587 at any point. So ordered.

1588 [The bill follows:]

1589

1590 *****COMMITTEE INSERT*****

1591

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1592 *The Chair. Does anyone seek to be recognized on the
1593 bill?

1594 The gentleman from Ohio, for what purpose do you seek
1595 recognition?

1596 *Mr. Latta. Madam Chair, I strike the last word.

1597 *The Chair. The gentleman is recognized for five
1598 minutes to strike the last word.

1599 *Mr. Latta. Thank you, Madam Chair. Today we are
1600 making progress in the effort to curb the deadly fentanyl
1601 crisis which has claimed thousands of American lives. After
1602 years of trying to permanently schedule fentanyl-related
1603 substances as a schedule I narcotic, and over a year of
1604 working with my good friend, the gentleman from Virginia's
1605 9th district, I am pleased that this committee is poised to
1606 approve H.R. 467, the HALT Fentanyl Act.

1607 While I am glad that we are finally able to move forward
1608 on this bill, it should not have taken us this long to reach
1609 this point. Permanently scheduling fentanyl-related
1610 substances should not be a political issue. Serving,
1611 protecting ,and ensuring the safety of our communities is the
1612 reason we are all here in Congress, and working to eradicate
1613 the scourge of fentanyl in order to save lives should be one

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1614 of our top priorities.

1615 I would like to note that there are a few misconceptions
1616 about this bill, and I would like to take some time to clear
1617 them up.

1618 First, if you lace fentanyl-related substances into an
1619 illicit narcotic, you should be held accountable, regardless
1620 of mandatory minimums. There is an old saying, "If you can't
1621 do the time, don't do the crime," and this crime is murder.

1622 Second, there have been charges made against this bill
1623 that would restrict all research and studies of fentanyl and
1624 fentanyl-related substances for medicinal benefits. This is
1625 simply not true. The HALT Fentanyl Act specifically includes
1626 a carve-out that enables researchers to continue studying
1627 schedule I substances for the purposes of identifying
1628 potential medical benefits.

1629 And here is the truth about fentanyl. It is killing on
1630 average of 175 people a day, and is now the number-one killer
1631 for Americans in the 18-to-45 age range. Fentanyl and
1632 fentanyl-related substances have claimed over 64,000 lives
1633 between April 2020 to April 2021, and we know that last -- in
1634 the last -- the numbers we are looking at -- over 70,000 in a
1635 year. Even more shocking is how incredibly cheap it is to

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1636 manufacture illicit drugs laced with fentanyl. For just
1637 \$0.10, a dime, drug cartels can manufacture one fentanyl-
1638 laced prescription pill that will kill one American.

1639 It is heartbreaking to meet the families who have lost a
1640 son or daughter to this poison. It is also disheartening to
1641 have to explain why Congress hasn't yet permanently scheduled
1642 fentanyl-related substances as a schedule I narcotic.

1643 Statistically speaking, since this markup began, at least 5
1644 to 10 Americans have died. There is a reason why the Drug
1645 Enforcement Administration is scheduling fentanyl-related
1646 substances as schedule I narcotics as their number-one
1647 priority.

1648 For these reasons I am glad we have the HALT Fentanyl
1649 Act before us today.

1650 I ask unanimous consent, Madam Chair, to record the
1651 following letters from the National Association of Assistant
1652 United States Attorneys and Victims of Illicit Drugs in
1653 Support of the HALT Fentanyl Act.

1654 *The Chair. Without objection, so ordered.

1655 [The information follows:]

1656

1657 *****COMMITTEE INSERT*****

1658

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1659 *Mr. Latta. Thank you, Madam Chair.

1660 I ask my colleagues to support this important piece of
1661 legislation to put an end to this deadly fentanyl crisis.

1662 Madam Chair, I yield back the balance of my time.

1663 *The Chair. The gentleman yields back. Is there
1664 further discussion?

1665 For what purpose does the gentleman seek recognition?

1666 *Mr. Tonko. Madam Chair, I move to strike the last
1667 word, please.

1668 *The Chair. Mr. Tonko is recognized for five minutes.

1669 *Mr. Tonko. Thank you. This is a loss many of us know
1670 too well, the loss of a daughter, a son, a father, mother,
1671 sister, or brother, a neighbor dying much too young and
1672 leaving behind a grieving family, communities being ripped
1673 apart by poisons seemingly beyond our control.

1674 Over the last decade I have focused my advocacy in
1675 Congress on knocking out every single barrier possible to
1676 addiction treatment, so that when individuals struggling with
1677 the disease of addiction reach out for help, we have a
1678 medical system ready to welcome them with open arms. As
1679 co-chair of the Addiction, Treatment, and Recovery Caucus,
1680 which is bipartisan, and the author of the Mainstreaming

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1681 Addiction Treatment Act, which is now law, I am deeply
1682 committed to having serious conversations about what we can
1683 do to take action to save lives.

1684 A critical piece of this that I think we all agree upon
1685 is that we need better access to treatment. Every member in
1686 this room who cares about this issue, I invite you to meet
1687 with me, meet with the caucus, and let's work together to
1688 address these issues.

1689 The recent passage of the MAT Act, the Mainstreaming
1690 Addiction Treatment Act, has dramatically expanded the U.S.
1691 health care system's ability to treat opioid use disorder
1692 with buprenorphine, increasing the number of medical
1693 professionals who indeed can prescribe buprenorphine for
1694 opioid use disorder from 130,000 individuals to 1.8 million
1695 with the removal of the X waiver. I want to thank the many
1696 members of this committee who worked across the aisle to make
1697 that reality.

1698 And while the legislative fight on MAT is over, the
1699 battle to make treatment on demand a reality and to save
1700 lives is still well underway. Medication-assisted treatment
1701 for addiction significantly reduces the risk of overdose
1702 death. However, despite the effectiveness, approximately 87

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1703 percent of individuals with opioid use disorder who may
1704 benefit from lifesaving medication-assisted treatment simply
1705 do not receive it. And while the MAT Act is a huge leap
1706 forward, we have more work to do.

1707 Despite progress in eliminating this barrier to
1708 prescribing buprenorphine for opioid use disorder,
1709 prescribers and patients across the country are reporting
1710 difficulty getting buprenorphine prescriptions filled. The
1711 lack of clear guidance to pharmacies, manufacturers, and
1712 distributors from the DEA has contributed to this gap in
1713 access for patients in need of buprenorphine.

1714 A survey on pharmacy access published by the American
1715 Society of Addiction Medicine found that commonly-cited
1716 reasons for pharmacists not filling buprenorphine
1717 prescriptions included a supplier shortage of the medication,
1718 the pharmacy's wholesale supplier limiting the amount of the
1719 medication that the pharmacy may order or stock, and
1720 corporate policies restricting the dispensing of the
1721 medication, and a belief that the DEA has a cap on the
1722 quantity of buprenorphine that can be dispensed.

1723 We absolutely need to reduce the stigma, clarify any
1724 uncertainty, and make it clear to all involved that DEA wants

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1725 people to have access to addiction medication.

1726 I also hope that this Congress would pass the bipartisan
1727 Reentry Act, which would be a game-changer for reducing
1728 overdose deaths and suicides by allowing all states to
1729 provide pre-release care to Medicaid-eligible individuals up
1730 to 30 days prior to release from incarceration. Individuals
1731 re-entering society after incarceration are some 129 times
1732 more likely to die of a drug overdose in the first 2 weeks
1733 after release versus the general population.

1734 The Major County Sheriffs of America, the National
1735 Sheriffs Association, and the American Jail Association all
1736 agree that this is good policy that would save lives. So I
1737 invite everyone here today to join me in championing this
1738 effort to save lives in our communities.

1739 Let me close by saying this must not be about politics,
1740 so that together we can improve access to treatment. And I
1741 humbly ask, let's continue to work on this hand in hand.

1742 With that, Madam Chair, I yield back.

1743 *The Chair. The gentleman yields back. Does anyone
1744 else seek recognition, any further discussion?

1745 For what purpose does the gentleman seek recognition
1746 from Georgia, Mr. Allen?

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1747 *Mr. Allen. Madam Chair, I move to strike the last
1748 word.

1749 *The Chair. The gentleman is recognized for five
1750 minutes.

1751 *Mr. Allen. Thank you, Madam Chair. In 2021, life
1752 expectancy in the United States sadly dropped to its lowest
1753 level in two decades. This was largely driven by the spread
1754 of illicit opioid drugs, which kill more than 80,000
1755 Americans and more than 1,700 Georgians last year.

1756 Due to the Biden Administration's disastrous handling of
1757 the southern border, fentanyl poisoning has emerged as a
1758 leading cause of death for Americans aged 18 through to 45.

1759 We are living through an undeniable public health crisis
1760 that will not end until policy-makers implement strong
1761 policies to stop the overdose epidemic. That is why I am
1762 proud I am a proud original cosponsor of the HALT Fentanyl
1763 Act, authored by Congressman Griffith and Latta to
1764 permanently place fentanyl-related substances into schedule I
1765 of the Controlled Substances Act.

1766 The United States Drug Enforcement Agency has said that
1767 permanently scheduling fentanyl-related substances is their
1768 top legislative priority, and this legislation will do

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1769 exactly that. The HALT Fentanyl Act will stop the creation
1770 of new fentanyl-related substances, which is a crucial first
1771 step to curbing the illicit fentanyl crisis. I urge all my
1772 colleagues to vote in favor of this bill.

1773 Thank you, Madam Chair, and I yield back.

1774 *The Chair. The gentleman yields back. For what
1775 purpose -- the ranking member is recognized for five minutes
1776 to strike the last word.

1777 *Mr. Pallone. Thank you, Madam Chair, and I will try to
1778 be brief, because I know we are trying to get through here
1779 with the votes.

1780 But I just want to say I continue to have significant
1781 concerns with the HALT Fentanyl Act, and I am discouraged
1782 because I do think that we have some amendments that, if
1783 adopted, would have made this bill acceptable to Democrats.

1784 The bill, as amended by the majority, now expands
1785 mandatory minimums associated with FRSs and still excludes
1786 the critical guardrails proposed by the Biden Administration.
1787 And this bill doubles down on criminalization-first policies,
1788 and does nothing, in my opinion, to get our country out of
1789 the opioid crisis.

1790 Moreover, as I stated in the subcommittee markup, FRSs

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1791 have already been scheduled continuously for the past four
1792 years, and yet there has not been any appreciable reduction
1793 in overdoses. In fact, during the Health Subcommittee
1794 markup, several of my Republican colleagues acknowledged that
1795 it is true that this bill in and of itself will not stop the
1796 fentanyl crisis.

1797 But anyway, I just want to say I am going to -- just to
1798 shorten this, I intend to offer an amendment -- and so I will
1799 talk more about it -- that will substitute the HALT Fentanyl
1800 Act with the SAFE Act, which is a bipartisan bill that
1801 comprehensively addresses fentanyl-related substances. And I
1802 do really think we have to turn to real bipartisan solutions
1803 to address addiction misuse and overdose deaths. Otherwise,
1804 this is not going to, you know, ultimately pass the Senate or
1805 be signed by the President.

1806 But I will yield back at this time.

1807 *The Chair. The gentleman yields back. Does anyone
1808 else seek recognition?

1809 Mr. Griffith is recognized for five minutes to strike
1810 the last word.

1811 *Mr. Griffith. Am I speaking -- is there an amendment,
1812 Madam Chair? Point of order. There is no an amendment?

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1813 *The Chair. No.

1814 *Mr. Griffith. Okay. Then, Madam Chair, I appreciate
1815 it, and I agree with everything that my colleague of Ohio,
1816 Mr. Latta, said, mutatis mutandis, with one exception:
1817 mandatory minimums. It is a completely separate issue.

1818 This bill makes analogues the same as fentanyl. That is
1819 what triggers the mandatory minimums. I understand the
1820 arguments against mandatory minimums, and I think that that
1821 is a rational debate for people to have. But I will tell
1822 you, that debate belongs on another bill, and it belongs in a
1823 different committee.

1824 And so I hope that we will pass this bill. And as I
1825 said in the subcommittee, let's make it harder on the bad
1826 guys.

1827 I yield back -- I yield to my friend from Pennsylvania,
1828 Mr. Joyce.

1829 *Mr. Joyce. I thank you for yielding. I do want to
1830 briefly address some of the topics that we have been
1831 discussing.

1832 First, to those who are worried about mandatory minimum
1833 sentencing guidelines, I would point back to the testimony
1834 that Dr. Westlake presented in front of this committee just a

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1835 few months ago. He said that if he could choose one drug to
1836 have mandatory minimums attached to it, it would be for those
1837 trafficking in illicit fentanyl-related substances. Federal
1838 prosecutors focus efforts on dismantling drug trafficking
1839 networks who are actively profiting off of the deaths of
1840 American citizens. I hear it consistently when I am at home
1841 from sheriffs and law enforcement agents in all 12 counties
1842 that I represent in Pennsylvania.

1843 And earlier this year we were able to hear the
1844 devastating testimony from two of my constituents, Ray and
1845 Deb Cullen, who tragically lost their son to fentanyl
1846 poisoning. Their loss and those who have felt this across
1847 our nation and are feeling it today underscores how critical
1848 it is that we permanently schedule fentanyl-related
1849 substances class-wide.

1850 I urge all of my colleagues to support this bill, and I
1851 yield back to the gentleman.

1852 *Mr. Griffith. And I yield back to the chair.

1853 *The Chair. The gentleman yields back. At this time we
1854 are going to recess for votes, and we will return immediately
1855 following the last vote.

1856 The committee stands at recess.

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1857 [Recess.]

1858 *The Chair. The committee will come to order. We will
1859 resume debate on H.R. 467. Does anyone seek to be recognized
1860 on the bill? This is the HALT Fentanyl Act.

1861 *Mr. Pallone. Oh, we are still working on it.

1862 *The Chair. Yes.

1863 *Mr. Pallone. Oh, I had the amendment.

1864 *The Chair. Okay. Does anyone -- okay, the ranking
1865 member is recognized for the purpose of offering an
1866 amendment. The clerk will report the amendment.

1867 *The Clerk. Amendment to the committee print of H.R.
1868 467, the HALT Fentanyl Act, offered by Mr. Pallone. Strike
1869 sections 2, 3, 4, 5, and 6, and insert the following --

1870 *The Chair. Without objection, the clerk will dispense
1871 with the reading. So ordered.

1872 [The amendment of Mr. Pallone follows:]

1873

1874 *****COMMITTEE INSERT*****

1875

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1876 *The Chair. Mr. Pallone is recognized for five minutes
1877 in support of his amendment.

1878 *Mr. Pallone. Thank you, Madam Chair. I am once again
1879 offering the SAFE Act, a bipartisan proposal that takes the
1880 Biden Administration's comprehensive approach in addressing
1881 fentanyl-related substances as an alternative to the bill
1882 before us today.

1883 I would ask my Republican colleagues to work with us and
1884 consider the SAFE Act, because I do view the guardrails in
1885 the Administration's proposal as necessary, particularly if
1886 we are going to pass something that not only passes the
1887 House, but the Senate, and gets signed by the President.

1888 Now, just let me mention three things. I will try to
1889 summarize, because I know we all want to get out of here.

1890 First of all, this includes the off-ramp provision, and
1891 the off-ramp provision -- and these are general, I am being
1892 general here because of the time -- it basically allows for
1893 ability to schedule or reschedule FSRs that are less -- well,
1894 that are less risky. Well, I am not sure now. We are
1895 talking about the minimum sentences here, or -- oh, yes, this
1896 is the off-ramp provision.

1897 The concern is that we run the risk of preemptively

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1898 scheduling an entire class of substances in the most
1899 restrictive schedule without the ability to conduct a
1900 thorough, expedited review of a substance's pharmacological
1901 effect on therapeutic potential. So basically, this allows
1902 us to schedule or reschedule things that are less risky or
1903 maybe even harmless, which is not the case now with the bill.

1904 And without that provision, you know, I mean, that would
1905 allow individuals to seek to reduced or vacated sentence for
1906 an off-ramp substance. In other words, one subsequently
1907 found to have a lower-risk profile. If you don't do that,
1908 you run the risk of keeping people unjustly incarcerated.

1909 The second thing is to -- this goes to the mandatory
1910 minimums -- exempting the FRSs from mandatory minimums unless
1911 they lead to serious bodily injury or harm.

1912 And then the third thing says that -- allows the ability
1913 to reduce the sentence if it is found to be, you know, no
1914 less risky or later, after a person was already sentenced.

1915 So without these kind of reforms, the concern is that,
1916 you know, we are just going to criminalize everything. There
1917 is going to be mandatory minimums for everything. And, you
1918 know, we are not approaching this, in my opinion, from a
1919 public health crisis perspective. We are just saying minimum

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1920 sentences, and that is it. And I don't think that has ever
1921 worked, and I don't think it is going to work this time.

1922 And that is why the Administration is putting in these
1923 guardrails to make it possible, you know, depending on
1924 whether we find out that, you know, something is less risky
1925 or harmless, or that a sentence that was mandatory shouldn't
1926 have been opposed, that we can go back and review that again
1927 without happening -- without having just the, you know, total
1928 mandatory minimums across the board.

1929 Again, you know, I honestly strongly believe that these
1930 guardrails should put -- should be put in. But I also know
1931 that the President and the Senate aren't going to take it up
1932 unless we have something like this in the bill.

1933 So, again, I would urge my colleagues to support these
1934 changes, in part because I think they are a good public
1935 policy, but also because I think if we do want to get the law
1936 passed, it would be necessary to do something like this to
1937 achieve the Senate and the President's support.

1938 And with that, I would yield.

1939 *The Chair. The gentleman yields back. Is there
1940 further discussion on the amendment?

1941 *Mr. Griffith. Madam Chair?

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1942 *The Chair. For -- the gentleman is recognized for --
1943 to strike the last word, Mr. Griffith, for five minutes.

1944 *Mr. Griffith. Speaking of the amendment, Madam Chair,
1945 I appreciate it, but I would remind the committee and the
1946 gentleman that we are not criminalizing everything. What we
1947 are criminalizing is a chemical compound which has the same
1948 effect as fentanyl. In the ones that we have studied and
1949 that we know of, there is an off-ramp for those, if they find
1950 one later that does something different.

1951 But what we found was the bad guys, until we had
1952 temporary scheduling of the analogues, they would use this as
1953 a way to get around the law. So all we are doing is
1954 criminalizing fentanyl analogues. That is all this bill
1955 does. It doesn't criminalize everything. It doesn't say
1956 that mandatory minimums are the way to go on everything. It
1957 doesn't say that we are doing this across the board. It says
1958 only on those substances where bad guys have come in and they
1959 have rearranged the molecule just enough to make an argument
1960 to the courts that it is not an illegal substance. Well, it
1961 should be an illegal substance. That is all this bill does.

1962 And as I said previously, if one wants to talk about
1963 mandatory minimums, that is a rational discussion for our

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1964 nation to have, and for -- as policy-makers, for people to
1965 have. I am not saying it is not. What I am saying is this
1966 is not the bill. This is not the day. This is not the time.
1967 This is not the place. And in fairness, this is not the
1968 committee. That is a jurisdiction of the Judiciary
1969 Committee.

1970 Now, I get it, and I don't know what the President will
1971 do or not do on this bill. I don't know what the Senate will
1972 do or not do on this bill. I will tell you, when they get it
1973 they may do things that -- to it that the gentleman who has
1974 offered the amendment might agree to, or they may not. I
1975 will tell you that Jefferson, in the Manual of Parliamentary
1976 Practice and Procedure, actually said we shouldn't discuss
1977 what the Senate might do, because we have an independent
1978 decision to make.

1979 This committee needs to decide. Do we think permanent
1980 scheduling of analogues will help in a small way on the
1981 problem with overdoses and poisoning by fentanyl? I think
1982 the answer to that is yes. Do we think this will deter bad
1983 guys? I think the answer to that is yes.

1984 This is one of the major priorities of the President's
1985 drug enforcement agency, because they have seen, with

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1986 temporary scheduling, that they stopped trying to get around
1987 it, and it made it easier for them to deal with fentanyl.
1988 But if you want to make it easier for the bad guys, vote for
1989 this amendment, and vote no on the bill.

1990 I yield back.

1991 *The Chair. The gentleman yields back. Is there
1992 further discussion on the amendment?

1993 The gentleman from North Dakota, Mr. Armstrong, is
1994 recognized for five minutes.

1995 *Mr. Armstrong. Thank you, Madam Chair. And I just
1996 want to reiterate what my friend from Virginia said:
1997 fentanyl is a poison. And of all the drugs in the schedule
1998 I, it is the one that is killing the most people.

1999 I don't know how many Republicans there are that want to
2000 have a bigger, broader conversation about minimum mandatory
2001 sentencing as it goes across the entire criminal justice
2002 system, but I am one of them. I did it in North Dakota. I
2003 have worked with just about every single one of your
2004 colleagues on the Judiciary Committee. And we can have a
2005 long and thoughtful conversation about the entire weight of a
2006 drug conspiracy coming onto somebody who is doing low-level
2007 addict dealing. We can talk about enhancements for firearms.

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2008 We can talk about all of those different things.

2009 But you cannot, cannot take the most dangerous drug we
2010 are dealing with as a society and exclude it from minimum
2011 mandatory sentencing. We can have conversations about all of
2012 the schedule I's. And to be frank, I hope getting anything
2013 from a fentanyl analogue or otherwise out of schedule I is
2014 really, really hard. I hope the only way you can do it is if
2015 it is legitimately -- I am sitting next to a doctor who is
2016 significantly smarter about this stuff than I am -- that it
2017 is legitimately the only substance on Earth that can help you
2018 with whatever medical ailment you have, because the risks are
2019 simply too high.

2020 So we can talk, and I will work with anybody and
2021 everybody on the Judiciary Committee, on the Energy and
2022 Commerce Committee, on the Space, Science, and Tech
2023 Committee. It could be the Ag Committee, we could deal with
2024 hemp and marijuana, and all of those different issues. I
2025 will work with anybody if we are going to talk about smart,
2026 serious criminal justice reform. But fentanyl analogues have
2027 to be illegal. They have to be illegal, because otherwise
2028 you will see this occur in a different way and in a different
2029 place.

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2030 So I think this bill is appropriate. I think having
2031 these conversations about those other things are also
2032 appropriate. I think we are mixing and matching two
2033 different things right now, and it is a really dangerous road
2034 to go down.

2035 And with that I would yield to my friend from Utah.

2036 *Mr. Curtis. Thank you.

2037 I wish there was a way that the gentleman in the
2038 audience could express his story.

2039 *The Chair. We do.

2040 *Mr. Curtis. And I just want to let you know I have
2041 been watching you, and I want you to know I understand your
2042 story. You don't need to use words. And I just appreciate
2043 you being here, and wish you the best.

2044 I yield my time.

2045 *Mr. Latta. Will the gentleman yield? Would the
2046 gentleman yield?

2047 *Mr. Armstrong. Yes.

2048 *Mr. Latta. I just -- if I could just reiterate one
2049 point. When we had our -- the DEA in here, and my friend
2050 from Virginia brought this up, the number-one issue that the
2051 DEA is looking at in this Congress is getting this bill

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2052 passed. They need it, and let's get it to them. Thank you.

2053 I yield back to my friend.

2054 *Mr. Armstrong. And before I yield to my friend from

2055 Pennsylvania, I think that is the important part of this.

2056 This isn't a matter about a minimum, mandatory or not. This

2057 is just applying fentanyl minimum mandatories to all

2058 substances substantially similar to fentanyl. The problem

2059 is, without this legislation they are not illegal.

2060 *Mr. Joyce. Would the gentleman yield?

2061 *Mr. Armstrong. With that I would yield to my friend

2062 from --

2063 *Mr. Joyce. I want to put an exclamation point on what

2064 the gentleman from Ohio just said, reminding each of us that

2065 in front of this committee the DEA has said that permanently

2066 scheduling fentanyl-related substances is their top

2067 legislative priority.

2068 We can't afford to wait any longer. And I want to

2069 associate with the gentleman who is here, holding the picture

2070 of a loved one who obviously has passed away from fentanyl

2071 poisoning.

2072 And I yield back.

2073 *The Chair. Mr. Armstrong controls the time.

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2074 *Mr. Armstrong. I would yield to my friend from
2075 Georgia.

2076 *Mr. Carter. Thank you. I thank the gentleman for
2077 yielding. I just want to encourage everyone on both sides of
2078 the aisle, let's stay focused.

2079 Folks, I served for 10 years in the Georgia state
2080 legislature, and as one of the only pharmacists in the
2081 legislature I was always responsible for the dangerous drug
2082 bill that we passed every year. And all we could do was
2083 identify the analogues from the previous year. And all they
2084 could do was just to simply change them for the next year.
2085 And it was on and on and on, just like a cat chasing his
2086 tail. We can never catch them.

2087 This finally does that. When we identify all fentanyl
2088 analogues, and we make them illegal, then we are
2089 accomplishing something. Please, if you must vote for the
2090 amendment or against the amendment, vote for the final bill.
2091 We need this. People are dying because of this.

2092 Thank you, and I will yield back.

2093 *Mr. Armstrong. Thank you, and I yield back.

2094 *The Chair. The gentleman yields back. Is there
2095 further discussion on the amendment?

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2096 The lady from Michigan, Mrs. Dingell, is recognized for
2097 five minutes on the amendment.

2098 *Mrs. Dingell. [Inaudible.]

2099 *Mr. Pallone. Thank you, Mrs. Dingell. Just 10
2100 seconds. I just want to stress that, you know, under -- with
2101 the underlying bill -- and this has not changed in my
2102 amendment, because this is part of the Administration's
2103 policy, that we would permanently schedule FRSSs, it is just
2104 the question of guardrails along the lines of what I
2105 discussed in terms of, you know, the ability to look at a
2106 number of these things over time, and make sure that we are
2107 not scheduling things that are less risky or harmless, or we
2108 are not, you know, putting those items into a situation where
2109 there is a mandatory sentence.

2110 But the underlying bill and the amendment doesn't change
2111 it, and the Administration do support permanently scheduling
2112 the FRSSs.

2113 I yield back.

2114 *The Chair. The gentleman yields back. Is there
2115 further discussion on the amendment?

2116 Seeing none, the vote occurs -- and a recorded vote has
2117 been requested. This is on the Pallone amendment. The clerk

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2118 will call the roll.
2119 *The Clerk. Rodgers?
2120 *The Chair. No.
2121 *The Clerk. Rodgers votes no.
2122 Burgess?
2123 *Mr. Burgess. Burgess votes no.
2124 *The Clerk. Burgess votes no.
2125 Latta?
2126 *Mr. Latta. No.
2127 *The Clerk. Latta votes no.
2128 Guthrie?
2129 *Mr. Guthrie. No.
2130 *The Clerk. Guthrie votes no.
2131 Griffith?
2132 *Mr. Griffith. No.
2133 *The Clerk. Griffith votes no.
2134 Bilirakis?
2135 *Mr. Bilirakis. [Inaudible.]
2136 *The Clerk. Bilirakis votes no.
2137 Johnson?
2138 *Mr. Johnson. No.
2139 *The Clerk. Johnson votes no.

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2140 Bucshon?
2141 [No response.]
2142 *The Clerk. Hudson?
2143 [No response.]
2144 *The Clerk. Walberg?
2145 *Mr. Walberg. No.
2146 *The Clerk. Walberg votes no.
2147 Carter?
2148 *Mr. Carter. [Inaudible.]
2149 *The Clerk. Carter votes no.
2150 Duncan?
2151 *Mr. Duncan. No.
2152 *The Clerk. Duncan votes no.
2153 Palmer?
2154 [No response.]
2155 *The Clerk. Dunn?
2156 *Mr. Dunn. [Inaudible.]
2157 *The Clerk. Dunn votes no.
2158 Curtis?
2159 *Mr. Curtis. [Inaudible.]
2160 *The Clerk. Curtis votes no.
2161 Lesko?

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2162 *Mrs. Lesko. [Inaudible.]
2163 *The Clerk. Lesko votes no.
2164 Pence?
2165 [No response.]
2166 *The Clerk. Crenshaw?
2167 *Mr. Crenshaw. [Inaudible.]
2168 *The Clerk. Crenshaw votes no.
2169 Joyce?
2170 *Mr. Joyce. [Inaudible.]
2171 *The Clerk. Joyce votes no.
2172 Armstrong?
2173 *Mr. Armstrong. [Inaudible.]
2174 *The Clerk. Armstrong votes no.
2175 Weber?
2176 *Mr. Weber. [Inaudible.]
2177 *The Clerk. Weber votes no.
2178 Allen?
2179 *Mr. Allen. [Inaudible.]
2180 *The Clerk. Allen votes no.
2181 Balderson?
2182 *Mr. Balderson. [Inaudible.]
2183 *The Clerk. Balderson votes no.

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2184 Fulcher?
2185 *Mr. Fulcher. [Inaudible.]
2186 *The Clerk. Fulcher votes no.
2187 Pfluger?
2188 [No response.]
2189 *The Clerk. Harshbarger?
2190 *Mrs. Harshbarger. [Inaudible.]
2191 *The Clerk. Harshbarger votes no.
2192 Miller-Meeks?
2193 *Mrs. Miller-Meeks. [Inaudible.]
2194 *The Clerk. Miller-Meeks votes no.
2195 Cammack?
2196 *Mrs. Cammack. [Inaudible.]
2197 *The Clerk. Cammack votes no.
2198 Obernolte?
2199 *Mr. Obernolte. [Inaudible.]
2200 *The Clerk. Obernolte votes no.
2201 Pallone?
2202 *Mr. Pallone. [Inaudible.]
2203 *The Clerk. Pallone votes aye.
2204 Eshoo?
2205 *Ms. Eshoo. [Inaudible.]

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2206 *The Clerk. Eshoo votes aye.
2207 DeGette?
2208 *Ms. DeGette. Aye.
2209 *The Clerk. DeGette votes aye.
2210 Schakowsky?
2211 [No response.]
2212 *The Clerk. Matsui?
2213 *Ms. Matsui. [Inaudible.]
2214 *The Clerk. Matsui votes aye.
2215 Castor?
2216 [No response.]
2217 *The Clerk. Sarbanes?
2218 *Mr. Sarbanes. [Inaudible.]
2219 *The Clerk. Sarbanes votes aye.
2220 Tonko?
2221 *Mr. Tonko. Aye.
2222 *The Clerk. Tonko votes aye.
2223 Clarke?
2224 *Ms. Clarke. Aye.
2225 *The Clerk. Clarke votes aye.
2226 Cardenas?
2227 [No response.]

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2228 *The Clerk. Ruiz?
2229 [No response.]
2230 *The Clerk. Peters?
2231 [No response.]
2232 *The Clerk. Dingell?
2233 *Mrs. Dingell. [Inaudible.]
2234 *The Clerk. Dingell votes aye.
2235 Veasey?
2236 *Mr. Veasey. Aye.
2237 *The Clerk. Veasey votes aye.
2238 Kuster?
2239 [No response.]
2240 *The Clerk. Kelly?
2241 [No response.]
2242 *Ms. Kuster. Aye.
2243 *The Clerk. Kuster votes aye.
2244 Kelly?
2245 [No response.]
2246 *The Clerk. Barragan?
2247 *Ms. Barragan. Aye.
2248 *The Clerk. Barragan votes aye.
2249 Blunt Rochester?

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2250 *Ms. Blunt Rochester. Aye.
2251 *The Clerk. Blunt Rochester votes aye.
2252 Soto?
2253 *Mr. Soto. [Inaudible.]
2254 *The Clerk. Soto votes aye.
2255 Craig?
2256 *Ms. Craig. Aye.
2257 *The Clerk. Craig votes aye.
2258 Schrier?
2259 *Ms. Schrier. [Inaudible.]
2260 *The Clerk. Schrier votes aye.
2261 Trahan?
2262 *Mrs. Trahan. [Inaudible.]
2263 *The Clerk. Trahan votes aye.
2264 Fletcher?
2265 *Mrs. Fletcher. Aye.
2266 *The Clerk. Fletcher votes aye.
2267 Peters is not recorded.
2268 *Mr. Peters. Aye.
2269 *The Clerk. Peters votes aye.
2270 Ruiz is not recorded.
2271 *Mr. Ruiz. Aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2272 *The Clerk. Ruiz votes aye.

2273 Schakowsky is not recorded.

2274 *Ms. Schakowsky. Aye.

2275 *The Clerk. Okay. Schakowsky votes aye.

2276 [Pause.]

2277 *The Chair. The clerk will call the roll -- or the
2278 clerk will report.

2279 *The Clerk. Madam Chair, on that vote we have 20 ayes
2280 and 24 nays.

2281 *The Chair. The nays have it, the amendment is not
2282 agreed to.

2283 Are there any additional amendments?

2284 Seeing none, the question now occurs on approving H.R.
2285 467, as amended. A recorded vote has been requested. The
2286 clerk will call the roll.

2287 *The Clerk. Rodgers?

2288 *The Chair. Aye.

2289 *The Clerk. Rodgers votes aye.

2290 Burgess?

2291 *Mr. Burgess. Votes aye.

2292 *The Clerk. Burgess votes aye.

2293 Latta?

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2294 *Mr. Latta. Aye.
2295 *The Clerk. Latta votes aye.
2296 Guthrie?
2297 *Mr. Guthrie. Aye.
2298 *The Clerk. Guthrie votes aye.
2299 Griffith?
2300 *Mr. Griffith. Aye.
2301 *The Clerk. Griffith votes aye.
2302 Bilirakis?
2303 *Mr. Bilirakis. Aye.
2304 *The Clerk. Bilirakis votes aye.
2305 Johnson?
2306 *Mr. Johnson. Aye.
2307 *The Clerk. Johnson votes aye.
2308 Bucshon?
2309 [No response.]
2310 *The Clerk. Hudson?
2311 [No response.]
2312 *The Clerk. Walberg?
2313 *Mr. Walberg. Aye.
2314 *The Clerk. Walberg votes aye.
2315 Carter?

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2316 *Mr. Carter. Aye.
2317 *The Clerk. Carter votes aye.
2318 Duncan?
2319 *Mr. Duncan. [Inaudible.]
2320 *The Clerk. Duncan votes aye.
2321 Palmer?
2322 [No response.]
2323 *The Clerk. Dunn?
2324 *Mr. Dunn. Aye.
2325 *The Clerk. Dunn votes aye.
2326 Curtis?
2327 *Mr. Curtis. [Inaudible.]
2328 *The Clerk. Curtis votes aye.
2329 Lesko?
2330 *Mrs. Lesko. Aye.
2331 *The Clerk. Lesko votes aye.
2332 Pence?
2333 [No response.]
2334 *The Clerk. Crenshaw?
2335 [No response.]
2336 *The Clerk. Joyce?
2337 *Mr. Joyce. [Inaudible.]

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2338 *The Clerk. Joyce votes aye.
2339 Armstrong?
2340 *Mr. Armstrong. Yes.
2341 *The Clerk. Armstrong votes aye.
2342 Weber?
2343 *Mr. Weber. [Inaudible.]
2344 *The Clerk. Weber votes aye.
2345 Allen?
2346 *Mr. Allen. Aye.
2347 *The Clerk. Allen votes aye.
2348 Balderson?
2349 *Mr. Balderson. [Inaudible.]
2350 *The Clerk. Balderson votes aye.
2351 Fulcher?
2352 *Mr. Fulcher. [Inaudible.]
2353 *The Clerk. Fulcher votes aye.
2354 Pfluger?
2355 *Mr. Pfluger. [Inaudible.]
2356 *The Clerk. Pfluger votes aye.
2357 Harshbarger?
2358 *Mrs. Harshbarger. [Inaudible.]
2359 *The Clerk. Harshbarger votes aye.

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2360 Miller-Meeks?
2361 *Mrs. Miller-Meeks. [Inaudible.]
2362 *The Clerk. Miller-Meeks votes aye.
2363 Cammack?
2364 *Mrs. Cammack. Aye.
2365 *The Clerk. Cammack votes aye.
2366 Obernolte?
2367 *Mr. Obernolte. [Inaudible.]
2368 *The Clerk. Obernolte votes aye.
2369 Pallone?
2370 *Mr. Pallone. [Inaudible.]
2371 *The Clerk. Pallone votes no.
2372 Eshoo?
2373 *Ms. Eshoo. [Inaudible.]
2374 *The Clerk. Eshoo votes no.
2375 DeGette?
2376 *Ms. DeGette. [Inaudible.]
2377 *The Clerk. DeGette votes no.
2378 Schakowsky?
2379 *Ms. Schakowsky. No.
2380 *The Clerk. Schakowsky votes no.
2381 Matsui?

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2382 *Ms. Matsui. No.
2383 *The Clerk. Matsui votes no.
2384 Castor?
2385 [No response.]
2386 *The Clerk. Sarbanes?
2387 *Mr. Sarbanes. No.
2388 *The Clerk. Sarbanes votes no.
2389 Tonko?
2390 *Mr. Tonko. No.
2391 *The Clerk. Tonko votes no.
2392 Clarke?
2393 *Ms. Clarke. No.
2394 *The Clerk. Clarke votes no.
2395 Cardenas?
2396 [No response.]
2397 *The Clerk. Ruiz?
2398 *Mr. Ruiz. No.
2399 *The Clerk. Ruiz votes no.
2400 Peters?
2401 *Mr. Peters. [Inaudible.]
2402 *The Clerk. Peters votes no.
2403 Dingell?

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2404 *Mrs. Dingell. [Inaudible.]
2405 *The Clerk. Dingell votes no.
2406 Veasey?
2407 *Mr. Veasey. No.
2408 *The Clerk. Veasey votes no.
2409 Kuster?
2410 *Ms. Kuster. No.
2411 *The Clerk. Kuster votes no.
2412 Kelly?
2413 [No response.]
2414 *The Clerk. Barragan?
2415 *Ms. Barragan. [Inaudible.]
2416 *The Clerk. Barragan votes no.
2417 Blunt Rochester?
2418 *Ms. Blunt Rochester. [Inaudible.]
2419 *The Clerk. Blunt Rochester votes no.
2420 Soto?
2421 *Mr. Soto. [Inaudible.]
2422 *The Clerk. Soto votes no.
2423 Craig?
2424 *Ms. Craig. [Inaudible.]
2425 *The Clerk. Craig votes aye.

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2426 Schrier?

2427 *Ms. Schrier. [Inaudible.]

2428 *The Clerk. Schrier votes aye.

2429 Trahan?

2430 *Mrs. Trahan. [Inaudible.]

2431 *The Clerk. Trahan votes no.

2432 Fletcher?

2433 *Mrs. Fletcher. [Inaudible.]

2434 *The Clerk. Fletcher votes no.

2435 *Mr. Cardenas. [Inaudible.]

2436 *The Clerk. Cardenas votes no.

2437 [Pause.]

2438 *The Clerk. Madam Chair, on that vote we have 27 ayes
2439 and 19 nays.

2440 *The Chair. The clerk (sic) calls up H.R. 801, and asks
2441 the clerk to report.

2442 *The Clerk. H.R. 801, a bill to amend title 3 of the
2443 Public Health Service --

2444 *The Chair. Without objection, the first reading of the
2445 bill is dispensed with, and the bill will be open for
2446 amendment at any point. So ordered.

2447 [The bill follows:]

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2448

2449 *****COMMITTEE INSERT*****

2450

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2451 *The Chair. Does anyone seek to be recognized on the
2452 bill?

2453 For what purpose does the gentlelady from Arizona seek
2454 to be recognized?

2455 *Mrs. Lesko. Madam Chair, I move to speak on the bill.

2456 *The Chair. Mrs. Lesko is recognized for five minutes.

2457 *Mrs. Lesko. Thank you. I am proud to cosponsor H.R.
2458 801, the Securing the Border for Public Health Act, and I
2459 thank the chairwoman for including it in today's markup.

2460 I also thank my colleagues on and off this committee for
2461 their support.

2462 I am from a border state. The open border and the
2463 fentanyl flooding across our open border are killing my
2464 constituents and are killing your constituents. This bill
2465 expands current title 42 authority to allow for the Secretary
2466 of the Department of Homeland -- Health and Human Services,
2467 after consultation with Attorney General, to restrict
2468 migration and imports from foreign countries to prevent the
2469 flow of illicit drugs, including fentanyl, into the United
2470 States.

2471 We have a crisis at our southern border, and it has led
2472 to the illicit drug crisis in all 50 states. In the last two

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2473 years our southern border has become more porous than ever
2474 before, allowing almost free flow of illegal drugs, weapons,
2475 and people. Drug cartels are being further enriched.
2476 Innocent people are dying. Fentanyl and other illicit drugs
2477 are pervading our nation. And U.S. Customs and Border
2478 Protection and local border law enforcement agencies are
2479 being overwhelmed with little support from the upper echelons
2480 of our government.

2481 This Administration has willfully refused to maintain
2482 operational control of the border, violating the Secure Fence
2483 Act of 2006. This Administration has undone and rejected
2484 many proposals that would address the security and
2485 humanitarian and drug crisis at the border, which in turn
2486 would help to address the illicit drug crisis that is killing
2487 Americans.

2488 Unfortunately, title 42 has become one of our last lines
2489 of defense at the border. Just since October 2022, Customs
2490 and Border Patrol expelled 351,099 individuals under title 42
2491 authority who posed a health risk. Although the COVID-19
2492 pandemic is over, the illicit drug problem is not, and it
2493 continues to be a public health issue. It has worsened in
2494 tandem with the increase in illegal border crossings.

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2495 We heard from Brandon Judd, the National Border Patrol
2496 Council, at the field hearing in February. Quote -- he said
2497 the Border Patrol alone, not the Office of Field Operations
2498 responsible for our ports of entry, seized 949 pounds of
2499 fentanyl along the southwest border from February 2021, the
2500 first full month of President Biden's open border policies,
2501 through January of 2022. CBP just recently released
2502 narcotics seizure data for President Biden's second full year
2503 in office, February 2022 through January 2023, and the amount
2504 of illicit fentanyl seized by just the Border Patrol has more
2505 than doubled to 2,294 pounds.

2506 To give some perspective on those statistics, 2,295
2507 pounds of fentanyl converts to over 1 billion milligrams,
2508 enough to kill over 500 million people. That is more than
2509 the population of the United States. The CDC estimates that
2510 over 106,000 Americans died from drug overdoses in 2021.

2511 This committee has heard from several parents who have
2512 tragically lost children to fentanyl overdoses. To deny that
2513 this drug crisis is related to our unsecure southern border
2514 is unrealistic and dishonest. Even this Administration
2515 acknowledges that fentanyl is smuggled into the U.S. through
2516 the southern border, and yet it continues to implement open

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2517 border policies that make it impossible to stop the flow of
2518 illicit fentanyl and other deadly drugs.

2519 H.R. 801 is not a silver bullet for solving the illicit
2520 drug crisis, nor is it the only solution needed to address
2521 our border issues. But with this Administration's refusal to
2522 enforce our current laws to protect our border, it is an
2523 important step to reducing the flow of fentanyl and deadly
2524 drugs into our nation.

2525 I urge my colleagues to support my bill, and I yield
2526 back.

2527 *The Chair. The gentlelady yields back. Is there
2528 further discussion on the bill?

2529 The ranking member is recognized for five minutes on the
2530 underlying bill.

2531 *Mr. Pallone. Thank you, Madam chair. I want to speak
2532 in opposition to H.R. 801.

2533 There are a lot of detrimental effects from this bill,
2534 and it also concerns me that Republicans are vastly expanding
2535 the role of the executive branch. You know, if that caters
2536 to their immigration agenda, I don't think they should be
2537 doing it in a way that so expands executive branch without
2538 Congress having a role, or having the significant role.

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2539 When we were at the Health Subcommittee markup, I noted
2540 that this bill never had a hearing and it moved straight to
2541 markup, so neither the committee nor the public have had
2542 sufficient opportunity to fully understand how overreaching
2543 this policy could be. We continue to hear this conflation
2544 from the majority that the only way to prevent the spread of
2545 illicit drugs, or a major way to do that, is to lock down our
2546 borders.

2547 But my problem with this is that it prevents people with
2548 legitimate asylum concerns, right, victims of rape and of
2549 violence, for example, from presenting themselves at the
2550 border crossing and staying in the U.S. while they await a
2551 hearing. They are forced to stay in Mexico, or even the
2552 country of origin, where they -- where that violence or
2553 persecution occurred. That is what has been happening with
2554 title 42 during the COVID crisis, but we know that is going
2555 to hopefully end soon. And now they are saying, well, that
2556 may be, but now we are going to use this for the same reason
2557 because of fentanyl.

2558 But, you know, I think that if the majority's interest
2559 is solving our nation's fentanyl crisis, you know, they can
2560 better control the entry of illicit substances into the

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2561 United States without these dire consequences for legitimate
2562 asylum seekers. I don't think this bill is an answer, and I
2563 think it corrupts the intention of title 42 under the guise
2564 of drug control.

2565 Under current law, the Federal Government can suspend
2566 the right to introduce persons or property in the United
2567 States if there is a serious danger of the introduction of
2568 communicable disease. And while this law has been used by
2569 both the Trump and Biden Administrations to respond to COVID-
2570 19, this authority should not be used to unfairly block entry
2571 for those seeking asylum and refuge in the United States.
2572 These people then are forced to stay in Mexico or the other
2573 countries, and they continue to be subject to inhumane
2574 treatment or persecution.

2575 So the bill would permit the Secretary to close our
2576 nation's borders to entrance of any country that an
2577 administration may choose based on an over-broad and vague
2578 determination that there is a "serious danger of a controlled
2579 substance entering the United States'" from that country.
2580 This is a vast expansion of the executive immigration powers,
2581 and completely rewrites title 42 authorities to expand the
2582 ability of the government to deny the entry of persons or

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2583 person to the United States. It would permit the Secretary
2584 to make a nearly unilateral determination that people from
2585 certain countries must be denied entry into the United
2586 States, including individuals with valid visas and even legal
2587 permanent residents.

2588 It also appears that under this bill the Secretary could
2589 shut down legal ports of entry from such countries as he or
2590 she determines are a serious danger, potentially blocking
2591 entry of all hosts of goods into the United States, and that
2592 could cripple our trading capabilities, our international
2593 supply chain, and provide the Secretary with broad
2594 authorities that could easily be misused to not only set
2595 immigration policy, but also global trade policy, as well.

2596 So in any of the circumstances I would imagine that my
2597 Republicans would stand in strong opposition to what is the
2598 unchecked power of the executive. But it appears that they
2599 are willing to relinquish important congressional authority
2600 because of their immigration agenda.

2601 I think our law enforcement agencies are best positioned
2602 to detect and divert controlled substances. This is not the
2603 role of HHS, CDC, or other public health agencies. Neither,
2604 in my opinion, is it the role of our health agencies to

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2605 enforce or make immigration policy.

2606 For all these reasons, I strongly oppose the bill and
2607 urge my colleagues to oppose it as well.

2608 And I yield back, Madam Chair.

2609 *The Chair. Is there further discussion on the bill?

2610 *Voice. Madam Chair?

2611 *The Chair. Mr. Crenshaw is recognized for five
2612 minutes.

2613 *Mr. Crenshaw. Thank you, Madam Chair.

2614 *The Chair. To strike the last word.

2615 *Mr. Crenshaw. I move to strike the last word.

2616 *The Chair. The gentleman is recognized.

2617 *Mr. Crenshaw. In response to the ranking member's, you
2618 know, comments, I think the concerns might be overblown. I
2619 don't think, just as title 42 is used now, it does not
2620 supersede basic asylum law. It is a tool used to expedite
2621 removal of people who should be removed anyway. And this
2622 simply widens the scope of who might fall under that.

2623 I think it is obvious that fentanyl is a public health
2624 hazard.

2625 And as to whether -- as to the issue of whether people
2626 who are truly deserving of asylum can no longer access the

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2627 United States and our asylum process, well, I would say that
2628 is already the case because of how many people are flooding
2629 our border.

2630 What is actually happening is that economic migrants,
2631 who really have no asylum case whatsoever -- and by the way,
2632 fleeing violence is not an asylum case, you must be
2633 persecuted. There is strict standards for what asylum
2634 actually is. A bad situation is not asylum. You know, where
2635 else would that apply around the world?

2636 So what happens now is economic migrants flood the
2637 system, and true asylum seekers with real cases can't
2638 actually get into the system. You know, if you actually look
2639 at the statistics of, say, Northern Triangle countries, only
2640 13 percent have been granted -- when the final court case is
2641 done, 13 percent get granted asylum. That is because the
2642 rest of them are simply economic migrants. It doesn't make
2643 them bad people, but they are economic migrants, if we are
2644 just being honest. And so, because of that mass influx, the
2645 real asylum seekers can't get a hearing. They can't get in
2646 line. They are stuck in limbo forever.

2647 And what about the people who don't have the
2648 geographical benefit of being able to walk across our border

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2649 around the world? What about them? Our system can't
2650 possibly handle all the people around the world that have
2651 true asylum cases because of the people who take -- that --
2652 who opportunistically just walk across our southern border.

2653 We are attempting to get a hold of this because that is
2654 the actual compassionate thing to do, both for our own
2655 citizens who are being poisoned by fentanyl, but also for
2656 people around the world who deserve asylum, and are actually
2657 eligible for our true asylum process. I think that is how we
2658 should think about this in truly compassionate terms.

2659 And I yield back -- or perhaps I yield -- well, I will
2660 yield to a -- well, Burgess, I will yield to the gentleman
2661 from Texas.

2662 *Mr. Burgess. And I thank the gentleman for yielding,
2663 and I thank you for yielding. I thank him for his very wise
2664 comments on this.

2665 I want to take a moment and ask unanimous consent to
2666 introduce an article into the record. This is from this
2667 morning's Dallas Morning News, and it details how a suburban
2668 house was raided. They found 13 spiral notebooks, 16 cell
2669 phones, and it broke open a major case. The perpetrators who
2670 were selling fentanyl in our schools in north Texas -- we

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2671 just had three deaths in the city of Carrollton -- these
2672 folks are now in a heavily fortified farm in Mexico with the
2673 Sinaloa cartel. This is the problem.

2674 And this is what -- I know our committee hasn't got
2675 entirely the jurisdiction, but we can control the fentanyl,
2676 and we must. So it is very important that we pass this bill,
2677 but we also need to keep our eye on the ball on all of the
2678 other aspects of this treacherous poison that is coming into
2679 our country.

2680 And I am going to ask unanimous consent to put this in
2681 the record.

2682 *The Chair. Without objection, so ordered.

2683 [The information follows:]

2684

2685 *****COMMITTEE INSERT*****

2686

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2687 *Mr. Burgess. And I yield back to the gentleman from
2688 Texas.

2689 *Voice. Would the gentleman yield?

2690 *Voice. Would the gentleman yield?

2691 *Mr. Crenshaw. Oh, boy, so many options. Well, I will
2692 yield to the gentl lady from Iowa.

2693 *Mrs. Miller-Meeks. Thank you, Representative Crenshaw,
2694 thank you, Madam Chair.

2695 I urge my colleagues to support H.R. 801, which I am
2696 proud to lead with Congresswoman Lesko. This legislation
2697 authorizes the Secretary, under title 42, to prohibit
2698 individuals or property from entering our country from
2699 designated countries due to the public health risk posed by
2700 the exorbitant amount of illicit drugs crossing our border.

2701 While the COVID-19 pandemic is over, we are experiencing
2702 a deadly illicit drug crisis that pervades our nation largely
2703 through the southern border, but not only from the southern
2704 border, as we have heard just the past week, with drugs
2705 coming across and record numbers coming across the Canadian
2706 border, as well. The CDC estimates that over 107,000
2707 Americans died from drug overdoses between August 2021 and
2708 August 2022, 70,000 of which resulted from fentanyl or its

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2709 analogues.

2710 Because my time is running out, let me just say, as a
2711 former director of the Department of Public Health, the CDC
2712 has repeatedly called the fentanyl crisis an epidemic. They
2713 choose their words carefully. They have cited the record
2714 number of drug overdoses that has more than quintupled in the
2715 last 24 years. This comprises vast increases in opioid and
2716 synthetic opioid involved deaths, which is also highlighted
2717 by news outlets such as The Washington Post and Fox News.

2718 It is not a manufactured crisis. This is real. A
2719 gentleman in the audience is here to show you that it is
2720 real. And I am proud the Republican majority is committed to
2721 passing meaningful legislation to combat it.

2722 I urge my colleagues to vote yes, and I yield back the
2723 balance of Representative Crenshaw's time to him.

2724 *Mr. Crenshaw. I yield back, and I am done choosing,
2725 choosing favorites.

2726 *The Chair. The gentleman yields back. Is there
2727 further discussion on the bill?

2728 Mr. Ruiz is recognized for five minutes to strike the
2729 last word.

2730 *Mr. Ruiz. Thank you. You know, we must act on

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2731 fentanyl. This is an epidemic. This is a serious problem.
2732 But this bill harms asylum seekers by inhibiting them from
2733 even exercising their American law rights to seek asylum, and
2734 it harms those fleeing persecution, and doesn't solve the
2735 problem.

2736 You see, this bill would dramatically expand the Trump-
2737 initiated title 42 policy to give the HHS Secretary the
2738 authority to prohibit people and goods from entering the U.S.
2739 Supporters of this bill claim that this will prevent illegal
2740 drugs from coming across the border. However, this bill is
2741 simply wrong. It is the wrong approach.

2742 As an emergency physician, I have seen time and time
2743 again the devastating and often fatal effects of drug
2744 overdose. Fentanyl, in particular, continues to wreak havoc
2745 on our communities. I also represent a border district, and
2746 illegal drugs crossing the border is of very real concern for
2747 me and my constituents.

2748 Congress shouldn't double down on title 42. We need to
2749 move past it. It was never a way to manage the border. It
2750 denied individuals their legal right to seek asylum, and hurt
2751 those fleeing persecution and violence. It goes counter to
2752 international humanitarian norms and values. Every person

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2753 fleeing for their life, whether from a Russian dictator or a
2754 drug cartel, deserves to have their legal right to due
2755 process and their cases heard for asylum protections.

2756 I support the Biden Administration decision to end title
2757 42. We have vaccines, effective testing, quarantining
2758 protocols now in place.

2759 I am also concerned that this bill ties our nation's
2760 drug policy to our nation's immigration policy: two issues
2761 that are not meaningfully connected. You see, the -- there
2762 is a Cato report study that shows that the vast majority of
2763 fentanyl are brought by U.S. citizens, bought by U.S.
2764 citizens, used by U.S. citizens through the ports of entry.
2765 So in reality, fentanyl smuggling is overwhelmingly done by
2766 U.S. citizens through the port of entry. But they don't want
2767 to discuss this. They don't want to accept this.

2768 For example, in this same report, in 2021 10 times more
2769 U.S. citizens were convicted of fentanyl smuggling than
2770 undocumented immigrants. That is for every 10 immigrants
2771 smuggling fentanyl there were 100 Americans smuggling
2772 fentanyl. So we shouldn't confuse these two issues.

2773 So you see, extending title 42 will do nothing to stop
2774 U.S. citizens from carrying, smuggling fentanyl through ports

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2775 of interest -- ports of entry, with U.S. citizens consuming
2776 fentanyl, going to the emergency departments with an
2777 overdose, and dying from fentanyl overdose.

2778 We should work together in a bipartisan way to build a
2779 professional and humane immigration system by passing
2780 comprehensive immigration reform, focusing on real border
2781 management policies, and getting CBP the resources they need
2782 to do their job.

2783 So I oppose this bill, because it will do nothing but
2784 vilify and -- the asylum seekers, and urge everyone to do the
2785 same.

2786 And I yield some time to Tony Cardenas.

2787 *Mr. Cardenas. Thank you, Doctor. I agree with
2788 everything that you just said. That was accurately said and
2789 truthfully said about what the real issues are. So
2790 therefore, I oppose this misguided legislation.

2791 I cannot sit here and not mention the most egregious
2792 participants and the creators of the fentanyl crisis that we
2793 have today, and that is the American family, the Sacklers
2794 (sic) family, who out of greed manipulated this entire
2795 situation to the point where we have a fentanyl crisis that
2796 this country has never seen before. Not immigrants, American

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2797 citizens have put us right here where we are at, where every
2798 single member of this committee, every single member of the
2799 House of Representatives has deaths in their district
2800 resulting from fentanyl overdoses. It was created by
2801 American greed, and was created right here in our country.

2802 And the motion before us is nothing more than just an
2803 opportunity to make it seem like somebody else is the
2804 evildoer. Yes, there are many issues. Yes, some issues are
2805 coming across the border. But let me be clear, as was just
2806 mentioned by my colleague Dr. Ruiz, most of the fentanyl
2807 crossing our border is being done by American citizens, not
2808 people who look like me. People who look just like the
2809 Sacklers. People whose hearts are just like theirs:
2810 careless, greedy, and have no love for the American people.

2811 And I am sure everybody on this committee has much love
2812 for the American people. But this is not the answer.

2813 And I yield back.

2814 *Mr. Ruiz. Madam Chair, if I can ask for unanimous
2815 consent to insert the Cato report into the record of the
2816 hearing for this discussion.

2817 *The Chair. Without objection, so ordered.

2818 [The information follows:]

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2819

2820 *****COMMITTEE INSERT*****

2821

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2822 *Mr. Ruiz. Thank you.

2823 *The Chair. The gentleman's time is expired. Is there
2824 further discussion on the bill?

2825 *Mr. Bilirakis. Not on the bill.

2826 *The Chair. The gentleman --

2827 *Mr. Bilirakis. I have a point of personal privilege.

2828 *The Chair. Okay, the gentleman --

2829 *Voice. Let me go first.

2830 *The Chair. -- Mr. Bilirakis is recognized for a point
2831 of personal privilege.

2832 *Mr. Bilirakis. Thank you. Thank you, Madam Chair. I
2833 know this is a very important bill, so I will be very brief.

2834 I want to recognize a good friend of mine, and a great
2835 American, a great American human rights activist around the
2836 world, religious freedom activist, just a great American who
2837 loves children. And he does these basketball clinics around
2838 the world at no charge for our children.

2839 So we appreciate you very much again, Enes Kanter
2840 Freedom. Please stand, sir, to be recognized.

2841 [Applause.]

2842 *Mr. Bilirakis. We appreciate you so very much.

2843 I want to yield briefly to Representative Pfluger --

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2844 *The Chair. Would you yield -- well, I just want to
2845 say, if you yield back to me --

2846 *Mr. Bilirakis. Please, I will yield back, yes.

2847 *The Chair. -- yield to the chair -- and he got his
2848 TikTok account reinstated yesterday.

2849 *Mr. Bilirakis. That is right.

2850 [Laughter.]

2851 *The Chair. I will yield back. Okay.

2852 *Mr. Bilirakis. I briefly yield to Representative
2853 Pfluger.

2854 *Mr. Pfluger. Thank you. And thank you for your
2855 courage, Enes. Thank you for your leadership and all of the
2856 things that you are doing. I can't say it any better than
2857 Mr. Bilirakis, but you really have led on issues that have
2858 exposed the Chinese Communist Party, the atrocities, the
2859 human rights violations, the genocide that is going on. We
2860 appreciate you. We recognize you.

2861 And within five minutes yesterday of talking about your
2862 account, it magically reappeared.

2863 I yield back.

2864 *Mr. Bilirakis. I yield back.

2865 *The Chair. Will you yield to Buddy, please?

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2866 *Mr. Bilirakis. Yes, please. I yield to --

2867 *The Chair. Oh, a point person. Okay.

2868 *Mr. Bilirakis. Okay.

2869 *The Chair. Okay, so -- okay, yield back to me, sorry.

2870 Yes. I didn't give time, because that was a point of

2871 personal privilege. Okay. I yield to Buddy, Mr. Carter, for

2872 five minutes.

2873 You are recognized for five minutes to speak on the

2874 bill.

2875 *Mr. Carter. Thank you, Madam Chair. Look, Madam

2876 Chair, I just want to respond to my colleague across the

2877 aisle who made the comment that most of the fentanyl coming

2878 into this country is coming through the point of entry.

2879 If you will remember, we had a field hearing in Texas in

2880 McAllen just a few weeks ago, and we were told by Customs and

2881 Border Patrol that only 5 to 10 percent of the fentanyl

2882 coming into this country is coming through the port of entry,

2883 that only 5 to 10 percent. And the other side of the aisle

2884 made the observation that 97 percent of all the fentanyl

2885 coming through the point of entry is captured.

2886 So that begs the question -- and I don't care if it is

2887 100 percent. So 100 percent of the 10 percent that is coming

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2888 through the port of entry we are getting. But where is the
2889 rest of it coming from? And how do we know whether it is
2890 American citizens or whether it is not American citizens?
2891 And what does it matter?

2892 You want to tell a grieving father that, oh, it was an
2893 American citizen who brought in fentanyl in? No.

2894 And let us not forget where the active ingredients that
2895 are making these products are coming from: over 160,000
2896 manufacturing plants in China, only 3,000 in the United
2897 States.

2898 You are right. My colleague is correct in the sense
2899 that we need to address this. But by doing this, by saying
2900 that it is coming through the points of entry, that is
2901 erroneous. That is not what we were told at our field
2902 hearing only a few weeks ago in McAllen, Texas. We were told
2903 that the majority of it is coming across the border, and not
2904 at the points of entry.

2905 So I just want to make sure we understand, and we have
2906 got the correct information here.

2907 And I want to yield to Mr. Pfluger from Texas.

2908 *Voice. Will the gentleman yield?

2909 *Mr. Carter. I yield to Mr. Pfluger from Texas.

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2910 *Mr. Pfluger. Thank you. You know, we did have a
2911 hearing. And I want to speak as the subcommittee chair for
2912 Intelligence, Counterterrorism, and Law Enforcement on
2913 homeland security. Fentanyl knows no boundaries. It doesn't
2914 know ethnic boundaries. It doesn't know religion. It
2915 doesn't know where you came from. When you are poisoned by
2916 fentanyl, it is extremely deadly.

2917 We agree on this issue that we have a problem with
2918 fentanyl. We had a hearing yesterday, a bipartisan hearing
2919 to push back on the CCP's influence using Bytedance's
2920 subsidiary, TikTok. Ninety percent of the precursors are
2921 coming from China. Why are we not coming together on this
2922 issue to push back?

2923 Title 42, I agree with my colleague, Mr. Ruiz. That --
2924 this is not the solution. It is not. But title 42 is the
2925 only tool that we have right this second to push back. It is
2926 the only tool to stop the madness. And when you go down to
2927 McAllen and Del Rio and Eagle Pass and El Paso, and anywhere
2928 else, you hear from the Border Patrol agents, you hear from
2929 Customs. And by the way, Chief Raul Ortiz last week in a
2930 field hearing in McAllen, where this committee also convened,
2931 said, and I quote, "Five of the nine sectors along the

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2932 southwest border are not secure.'" He said that.

2933 How can we say that fentanyl is coming across, and that
2934 it is just legally coming across? It is not legally coming
2935 across. It is being trafficked by cartels.

2936 I yield back to Mr. Carter.

2937 *Mr. Carter. I yield to Mrs. Lesko.

2938 *Mrs. Lesko. Thank you. A couple of things have been
2939 said that I want to refute.

2940 First of all, Mr. Pallone said, well, he is against this
2941 bill because it would expand executive authority. The
2942 Secretary of Homeland Security already has authority to close
2943 the border. And so it is not being done, the laws aren't
2944 being followed.

2945 Somebody else said it prevents people with legitimate
2946 asylum claims from being able to stay in the U.S. I think
2947 Mr. Crenshaw had a really great answer. No, what it is doing
2948 is there is so many people flooding that do not have
2949 legitimate claims for asylum that it is, you know, forcing
2950 out the people that actually do have a -- legitimate claims.
2951 And this bill does not supersede asylum laws.

2952 The last was about, oh, all of the drugs are coming
2953 through the ports of entry. As was stated, that is just

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2954 absolutely not true. And in fact, in the Tucson sector, the
2955 highest drug trafficking sector in the country, they said
2956 more fentanyl interdiction is between the ports of entry than
2957 at the ports of entry.

2958 And with that, I yield back.

2959 *Mr. Carter. Madam Chair, I yield back.

2960 *The Chair. The gentleman yields back. Does anyone
2961 else seek to be recognized on the bill?

2962 Ms. Eshoo is recognized for five minutes.

2963 *Ms. Eshoo. Thank you, Madam Chairwoman. I move to
2964 strike the last word. I will be brief. I have paid close
2965 attention to what members on both sides of the aisle have
2966 expressed, and there are two things that stand out to me.

2967 As members have been expressing their views, it really
2968 calls out that this should have been taken up at the Health
2969 Subcommittee. And I am surprised that that has been skipped
2970 over. The debate on many points that are being raised today,
2971 they are being raised for the first time. And the scrutiny
2972 of the subcommittee for both sides of the aisle is
2973 invaluable, really. And I think that we are feeling the
2974 results of that lack of scrutiny.

2975 The other point that I want to make is that this bill

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2976 vastly expands title 42 for reasons that have nothing to do
2977 with communicable diseases. To be frank, I don't want the
2978 Secretary of HHS making our drug enforcement, trade, or
2979 immigration decisions unilaterally. And I am surprised that
2980 the Republicans are in support of this vast expansion in the
2981 executive branch. It is not well thought-out.

2982 We know that the fentanyl crisis is a real crisis, but
2983 we can't address it using the same tools that we used for
2984 COVID-19.

2985 So those are my objections, Madam Chairwoman, and I find
2986 it regrettable that it didn't come through a really healthy
2987 discussion and debate at the subcommittee. I think we would
2988 have been better off in not trying to hash out what is the
2989 work of the subcommittee in the full committee.

2990 So with that, the gentleman from -- my colleague from
2991 California I will yield the balance of my time to.

2992 *Mr. Cardenas. Thank you. I would just like to
2993 clarify. I went to the field hearing in Texas along the
2994 border, and I just want to clarify for the record.

2995 Yes, we did hear from some folks who were giving us
2996 their opinion, and I am not negating their opinion, I am not
2997 negating the truth as they see it or experience it along the

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2998 border. But I would much rather go with a study like --
2999 which was referenced by Dr. Ruiz, the Cato study, than make
3000 policy based on references and anecdotal references truthful
3001 to the individuals who are giving those anecdotal references,
3002 but that is not, in my opinion, where we should be making
3003 policy on. Thank you.

3004 *Ms. Eshoo. I would be happy to yield to Dr. Ruiz.

3005 *Mr. Ruiz. Thank you. And let me clarify how this
3006 policy prevents asylum seekers from seeking asylum.

3007 Our American laws grant individuals who step foot on
3008 United States soil to seek and claim asylum to due process.
3009 Title 42 prevents them from being able to enter the United
3010 States, even if they are seeking asylum, because they use
3011 title 42 and they say you have to stay in Mexico or wherever,
3012 and therefore they do not have the ability to claim asylum
3013 based on our American law.

3014 So, yes, indeed, this title 42 prevents asylum seekers
3015 from stepping foot in American soil to then exercise their
3016 American law right to seek asylum.

3017 I yield to -- back to Anna Eshoo.

3018 *Ms. Eshoo. And I yield back.

3019 *Ms. Craig. Will you yield?

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3020 *Mr. Ruiz. There is another.

3021 *Ms. Craig. Yes, please. Yes.

3022 [Pause.]

3023 *Ms. Eshoo. I yield my remaining time to Ms. Craig.

3024 *Ms. Craig. Thank you. Just a quick point of
3025 clarification. I really enjoyed being at the border with my
3026 colleagues across the aisle.

3027 I do think, Mr. Carter -- his facts, as quoted, are a
3028 little bit wrong. I think I was the one asking the question
3029 at the field hearing. And I believe what Customs and Border
3030 Patrol told us is that, sadly, only 5 to 10 percent of the
3031 fentanyl coming into America is being seized at the border,
3032 but that over 80 percent seized at the border is coming
3033 through our ports of entry. Less than five percent of the
3034 fentanyl seized at the border, as I recall, seems to be
3035 seized from individuals. And we have a report that we will
3036 put into the record on that.

3037 But that, I believe just -- Mr. Carter was incorrect in
3038 the quoting.

3039 *The Chair. The time is expired. [Inaudible]
3040 recognized for five minutes to speak on the bill.

3041 *Ms. Barragan. Thank you. I was compelled to speak,

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3042 given the back-and-forth and some of the inaccurate
3043 information out there.

3044 So I wanted to -- as somebody who, in the last Congress,
3045 was the chair of the Border Subcommittee, and we had multiple
3046 hearings on the topic, I think we all agree that fentanyl is
3047 a problem and an issue. And it would be better if we worked
3048 together to try to address it. But what happens is this
3049 becomes about immigrants and immigration, and then it is like
3050 painting the broad stroke pictures of who is bringing it in,
3051 and how terrible the people are. And then, generally, that
3052 is an attack on immigrants.

3053 But when it pertains to fentanyl, seizures and fentanyl
3054 at the ports of entry began to rise under the Trump
3055 Administration. For example, U.S. Customs and Border
3056 Protection reported a nearly 200 percent increase in seizures
3057 of fentanyl at ports of entry along the southwest border in
3058 June of 2020.

3059 Under President Biden's leadership, DHS has continued to
3060 make significant progress in preventing drugs from entering
3061 our communities. DHS has seized record amounts of fentanyl
3062 over the past year, and prevented more than 30,000 pounds of
3063 this deadly drugs from entering our country. And where is it

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3064 happening? At the ports of entry. Ninety-six percent of
3065 fentanyl seizures are occurring at the ports of entry.

3066 The other point I want to make is Democrats, House
3067 Democrats, last year in the omnibus bill put dollars in
3068 there, something our colleagues across the aisle did not vote
3069 to support. But Democrats funded additional staffing for CBP
3070 ports of entry in the 2023 omnibus to address historic under-
3071 staffing, prioritizing drug detection, and funded \$70 million
3072 in non-intrusive inspection systems at the southwest land
3073 border in fiscal year 2023. Right?

3074 We have got to continue to invest in technology that is
3075 going to stop the drugs from coming. You -- we all have seen
3076 the photos. It is the photos of cars, and they take pieces
3077 out, and they put them on to the side. And these are not
3078 folks that are coming -- that are undocumented. These are,
3079 generally, as was said, folks that are citizens.

3080 Now, at the end of the day, I think the starting point
3081 is trying to at least come to an agreement on where the
3082 majority of this is coming from, so that we could address it
3083 to stop it.

3084 Now, I took great offense to, unfortunately, the comment
3085 that was made that there is people opportunistic just walking

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3086 across the southern border. There are people that are
3087 fleeing violence. They are fleeing torture. Some of their
3088 children have been killed in other countries. They are not
3089 just leaving their families and their belongings, and making
3090 a dangerous journey because they want to come and just walk
3091 across the southern border. And some of them are traveling
3092 for weeks and days and months. Some of them don't even make
3093 it to the southern border, but they do it out of desperation,
3094 because they want the opportunity to be able to live.

3095 Now, I happen to have represented a woman and a child
3096 from Guatemala. They had already killed one of her kids.
3097 And so she came to the U.S., and it is so hard to get asylum
3098 that even she didn't qualify for asylum without -- having all
3099 the resources.

3100 But that is not all there is. There is something called
3101 withholding of removal. There are other things other than
3102 just asylum that allow folks to be able to come and stay here
3103 legally. And so it is just disturbing to kind of
3104 characterize folks that are coming here are people who are
3105 just, you know, opportunistic, that there is -- and not
3106 recognizing what people are going through, and why they make
3107 this journey. There are other grounds that may not just be

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3108 the fear of persecution. It could be that they could be
3109 tortured returning back, or that there is significant
3110 evidence to do so.

3111 And so to just try to use another legislative vehicle
3112 and say, like, oh, well, let's just allow the Secretary of
3113 HHS to just shut down the border, that is just not how we
3114 should be doing policy. We should be coming together, we
3115 should talk about, and we should continue to work toward
3116 comprehensive immigration reform. That is going to be the
3117 first step in this. But it is also going to be in putting
3118 the resources and the dollars at the southern border that are
3119 going to go into ports of entry, where most of this is
3120 coming.

3121 And so with that, I yield back.

3122 *The Chair. Is there further discussion on the bill?

3123 The -- Mr. Armstrong is recognized for five minutes.

3124 *Mr. Armstrong. Thank you, Madam Chair. I move to
3125 strike the last word.

3126 *The Chair. The gentleman is recognized to strike the
3127 last word for five minutes.

3128 *Mr. Armstrong. A whole bunch of things can be true at
3129 once. You can seize more fentanyl at the border port of

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3130 entry, between ports of entry, U.S. citizen, not U.S.
3131 citizen, however you want to deal with it, and there is still
3132 more fentanyl in Grand Forks, North Dakota.

3133 The reason you are seeing record seizures is because you
3134 are seeing record numbers of pills being made and pills being
3135 trafficked.

3136 No one has ever yet been able to tell me two different
3137 things. One, we know we are seizing more. Do we know if we
3138 are seizing a higher percentage of it? Because I can answer
3139 that question. And two, the simple reason for more ports of
3140 entry and non-ports of entry is because of the resources and
3141 the ability to deal with that, and the operational control of
3142 the actual border.

3143 But I think more importantly, and for this conversation,
3144 here is two things that are absolutely true: the drugs, all
3145 of them, are being made by the cartels. All of them. At
3146 this point in time, the fentanyl pills that are in your
3147 community have an origination with a cartel. And if not all,
3148 almost every single person seeking immigration legally or
3149 illegally to get to the northern border in Mexico also is
3150 dealing with the cartels, 100 percent.

3151 So if you are a backpack full of fentanyl pills to get

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3152 to the southern border, you are dealing with the cartels. If
3153 you are a 12-year-old girl seeking refuge and asylum in the
3154 United States, you are dealing with the cartels. Those two
3155 things are true. Ports of entry, non-ports of entry, U.S.
3156 citizen, not all of this.

3157 The absolute fact of the matter is, to get to the
3158 southern border right now, you are dealing with the cartels.
3159 And if this stops that, and this helps that, then we should
3160 support it. Because I will tell you one thing. I don't
3161 think the cartels have a very good track record when it comes
3162 to human rights.

3163 Do you want time? Sure, I will yield some time to my
3164 friend, Dan Crenshaw.

3165 *Mr. Crenshaw. I thank the gentleman, and I want to
3166 echo his comments, it was really well stated, and just say
3167 how kind of strange the discussion has been. We keep hearing
3168 that this is not the way to solve it. Well, we also have
3169 other bills that we have promoted to try and solve this
3170 problem. You don't want to make it a schedule I crime. You
3171 don't want to go after the dealers. You don't want to go
3172 after the cartels.

3173 We agree this isn't the only way to solve the fentanyl

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3174 crisis, but it is one of many measures. And if you reduce
3175 the overall crossings, which title 42 helps us to do, it is a
3176 disincentive -- it does not discourage asylum seekers. It is
3177 not superseding asylum.

3178 And yes, of -- and I am sorry it is offensive to say
3179 that some people just want opportunity here, and that is the
3180 only reason they are coming. But it is just a -- it is just
3181 the truth. We all know it. Most of the people coming, I am
3182 sure, are nice people, but they are coming for just
3183 opportunities. It is better here. If you did a poll around
3184 the world to see how many people would just instantly
3185 transport themselves to the United States, you would get
3186 about 40 million people here instantly. That is just by Pew
3187 Research data.

3188 And so the -- America has to have some kind of system
3189 and some kind of standards by which we allow people in. That
3190 is just how we have to do it. That is just general rule of
3191 law. We are not trying to do anything crazy here. We are
3192 not saying this is the one silver bullet. But it certainly
3193 is helpful, and it is not crazy to say that a fentanyl
3194 epidemic, as the CDC defines it, is similar to, say, a COVID
3195 pandemic. It is not a crazy thing to say.

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3196 We do want legitimate asylum seekers and, most of all,
3197 we want our system to be able to deal with legitimate asylum
3198 seekers, and not be overrun by illegitimate asylum seekers
3199 who are just trying to game the system, and literally giving
3200 cards on how to game the system by the cartels. Because yes,
3201 my colleague is correct that every single person does have to
3202 go through the cartels. They have operational control of
3203 that southern border. And that is a very disturbing fact.
3204 And I would like everyone to rally around at least targeting
3205 the cartels and what they do to our country.

3206 I -- we have other bills that -- outside the
3207 jurisdiction of this committee that I think we could all get
3208 on, I would hope.

3209 And I yield back to my colleague from North Dakota.

3210 *Mr. Weber. Madam Chair?

3211 *The Chair. Mr. Armstrong controls the time.

3212 *Mr. Armstrong. I yield back.

3213 *Mr. Weber. Will you yield to --

3214 *The Chair. Can you yield?

3215 *Mr. Weber. Yes, I move to strike the last word.

3216 *The Chair. Okay, the gentleman yields back, Mr.

3217 Armstrong yields back. Is there further discussion on the

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3218 bill?

3219 The gentleman from Florida, Mr. Soto, is recognized for
3220 five minutes to strike the last word.

3221 *Mr. Soto. Thank you, Madam Chair. I just want to
3222 bring up three key points.

3223 One, under the Infrastructure and Jobs Act we provided
3224 3.6 billion to modernize border stations and land ports of
3225 entry, including 2.53 billion for carrying out the CBP's 5-
3226 year plan. These sensors are the strongest weapon we have at
3227 the border to stop fentanyl, because the pills are so easy to
3228 hide. Without electronic surveillance, you simply can't do
3229 it in an efficient way.

3230 I got to go down to the border on a bipartisan trip with
3231 my dear friend, Representative Tony Gonzalez, and we met with
3232 CBP officers. They also believe the sensor towers that are
3233 able to monitor over three miles are highly effective. And
3234 we can have bipartisan solutions to fund more of those sensor
3235 towers to create more border awareness.

3236 The second point is President Biden had asked for \$4.9
3237 billion for his 2023 budget for border security. And as
3238 reported by the Washington Post, he was blocked by Senate
3239 Republicans in December, and ultimately got only 2.7 billion

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3240 in increased border security in this last omnibus.

3241 The third thing, we have Biden's new parole program.

3242 And it was reported on March 15th in the Washington Post that

3243 unlawful crossings from migrants from those four countries --

3244 Cuba, Venezuela, Haiti, Nicaragua, who are four of the

3245 countries that we saw most of the border crossings from --

3246 went from 84,000 down to 2,000 from December to February.

3247 And I agree, we should be a little more aggressive with

3248 the cartels. They are a terrorist threat to our nation. And

3249 so there are things we could agree on and do together, right?

3250 I think a lot of the work that needs to be done on the

3251 budget we need more bipartisan support for. And we should

3252 rally behind the President's request for additional funding

3253 for border security, and for sensors to really get at this

3254 going forward. It takes resources.

3255 Thanks, and I yield back.

3256 *The Chair. The gentleman yields back.

3257 Does anyone -- the gentleman from Texas, Mr. Weber, is

3258 recognized for five minutes to speak on the bill.

3259 *Mr. Weber. Thank you, Madam Chair. When I was in the

3260 Texas legislature I spent four years on the Texas Public

3261 Education Committee, two years as the vice chair of the

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3262 Borders Committee. And while our heart goes out to those who
3263 live in countries that don't have the same opportunity that
3264 we have, and it is very sad, you hate that, but here is a
3265 little math, just from the Texas point of view.

3266 There is about -- I am going to use round figures --
3267 there is about 1,000 school districts in Texas, and there is
3268 about 5.5 million students -- again, kindergarten through 12.
3269 There is a lot of fentanyl deaths happening to our students
3270 right now, unnecessarily so. We ought to be on top of this.
3271 But let me give you some other math about it, too.

3272 When you bring in -- so the average school district, if
3273 you use those figures, let's say 5 million divided by 1,000,
3274 the average school district would be 5,000 students. Now,
3275 some of -- most of you all probably know that in Texas, of
3276 the 254 counties, there are some that have more cattle than
3277 they have people. So 5,000 is a small, small number. But
3278 Texas is a big state, you know, for school districts, K
3279 through 12.

3280 When you brought in 70,000 unaccompanied minors the
3281 summer before last, I think it was, it is a lot larger -- a
3282 higher number than that now -- you just brought in 14
3283 complete school districts. Somebody has to pay to educate

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3284 and teach. Guess who that somebody is? It is those
3285 Americans, hardworking Americans who are already here
3286 legally. Your heart goes out to them, but we -- America
3287 cannot afford to be the charity for the world.

3288 It is costing us fentanyl, lives and fentanyl while the
3289 border is open. It is costing us economically. It is
3290 costing border agents their lives. I think at last count
3291 there was 17 who had committed suicide.

3292 Fentanyl is something that we can and must address if we
3293 want to protect the existing students in our schools. And
3294 then we ought to have that conversation about do we really
3295 want to have so many students coming in that we have to pay
3296 to educate them?

3297 This is a good bill. This is one step in the right
3298 direction. I speak from experience. In 2010 -- my second
3299 session there, 2011 -- there was 5,000 Texans just in the
3300 State of Texas who were either raped, pistol whipped,
3301 burglarized, car stolen, some of them killed, people
3302 murdered, homes broken into, businesses broken into by
3303 illegals who weren't even supposed to be in Texas.

3304 We have got to get a handle on this border situation.
3305 And the first thing we can do to this committee with this

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3306 bill that we are discussing today is we can begin to get a
3307 handle on the fentanyl crisis. I shudder to think how many
3308 Texans today are being violated by the cartel-induced and
3309 controlled traffickers that are coming across the border --
3310 1,960-something miles. America -- the United States and
3311 Mexican border in Texas has about 1,100-something, almost
3312 two-thirds. Texas is paying one heck of a price.

3313 This is a step in the right direction. We can start
3314 protecting Texans and Americans. And with that, Madam Chair,
3315 I will yield back.

3316 *The Chair. The gentleman yields back. Is there
3317 further discussion?

3318 Seeing none. The chair now -- the question now occurs
3319 on approving H.R. 801, as amended. A recorded vote has been
3320 requested. The clerk will call the roll.

3321 *The Clerk. Rodgers?

3322 *The Chair. Aye.

3323 *The Clerk. Rodgers votes aye.

3324 Burgess?

3325 *Mr. Burgess. Burgess votes aye.

3326 *The Clerk. Burgess votes aye.

3327 Latta?

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3328 *Mr. Latta. Aye.
3329 *The Clerk. Latta votes aye.
3330 Guthrie?
3331 *Mr. Guthrie. Aye.
3332 *The Clerk. Guthrie votes aye.
3333 Griffith?
3334 *Mr. Griffith. Aye.
3335 *The Clerk. Griffith votes aye.
3336 Bilirakis?
3337 *Mr. Bilirakis. Aye.
3338 *The Clerk. Bilirakis votes aye.
3339 Johnson?
3340 *Mr. Johnson. Aye.
3341 *The Clerk. Johnson votes aye.
3342 Bucshon?
3343 [No response.]
3344 *The Clerk. Hudson?
3345 [No response.]
3346 *The Clerk. Walberg?
3347 [No response.]
3348 *The Clerk. Carter?
3349 [No response.]

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3350 *The Clerk. Duncan?
3351 [No response.]
3352 *Mr. Carter. Aye.
3353 *The Clerk. Carter votes aye.
3354 *The Chair. Would members wait just one more minute?
3355 *Mr. Duncan. Aye.
3356 *The Clerk. Duncan votes aye.
3357 Palmer?
3358 [No response.]
3359 *The Clerk. Dunn?
3360 *Mr. Dunn. Aye.
3361 *The Clerk. Dunn votes aye.
3362 Curtis?
3363 *Mr. Curtis. Aye.
3364 *The Clerk. Curtis votes aye.
3365 Lesko?
3366 *Mrs. Lesko. Aye.
3367 *The Clerk. Lesko votes aye.
3368 Pence?
3369 [No response.]
3370 *The Clerk. Crenshaw?
3371 *Mr. Crenshaw. [Inaudible.]

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3372 *The Clerk. Crenshaw votes aye.
3373 Joyce?
3374 *Mr. Joyce. [Inaudible.]
3375 *The Clerk. Joyce votes aye.
3376 Armstrong?
3377 *Mr. Armstrong. Yes.
3378 *The Clerk. Armstrong votes aye.
3379 Weber?
3380 *Mr. Weber. Aye.
3381 *The Clerk. Weber votes aye.
3382 Allen?
3383 *Mr. Allen. Aye.
3384 *The Clerk. Allen votes aye.
3385 Balderson?
3386 *Mr. Balderson. [Inaudible.]
3387 *The Clerk. Balderson votes aye.
3388 Fulcher?
3389 *Mr. Fulcher. [Inaudible.]
3390 *The Clerk. Fulcher votes aye.
3391 Pfluger?
3392 *Mr. Pfluger. Aye.
3393 *The Clerk. Pfluger votes aye.

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3394 Harshbarger?
3395 *Mrs. Harshbarger. [Inaudible.]
3396 *The Clerk. Harshbarger votes aye.
3397 Miller-Meeks?
3398 *Mrs. Miller-Meeks. Aye.
3399 *The Clerk. Miller-Meeks votes aye.
3400 Cammack?
3401 *Mrs. Cammack. Aye.
3402 *The Clerk. Cammack votes aye.
3403 Obernolte?
3404 *Mr. Obernolte. Aye.
3405 *The Clerk. Obernolte votes aye.
3406 Pallone?
3407 *Mr. Pallone. No.
3408 *The Clerk. Pallone votes no.
3409 Eshoo?
3410 *Ms. Eshoo. [Inaudible.]
3411 *The Clerk. Eshoo votes no.
3412 DeGette?
3413 *Ms. DeGette. No.
3414 *The Clerk. DeGette votes no.
3415 Schakowsky?

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3416 [No response.]
3417 *The Clerk. Matsui?
3418 *Ms. Matsui. No.
3419 *The Clerk. Matsui votes no.
3420 Castor?
3421 [No response.]
3422
3423 *The Clerk. Sarbanes?
3424 *Mr. Sarbanes. [Inaudible.]
3425 *The Clerk. Sarbanes votes no.
3426 Tonko?
3427 *Mr. Tonko. No.
3428 *The Clerk. Tonko votes no.
3429 Clarke?
3430 *Ms. Clarke. [Inaudible.]
3431 *The Clerk. Clarke votes no.
3432 Cardenas?
3433 *Mr. Cardenas. No.
3434 *The Clerk. Cardenas votes no.
3435 Ruiz?
3436 *Mr. Ruiz. No.
3437 *The Clerk. Ruiz votes no.

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3438 Peters?

3439 [No response.]

3440 *The Clerk. Dingell?

3441 *Mrs. Dingell. No.

3442 *The Clerk. Dingell votes no.

3443 Veasey?

3444 *Mr. Veasey. No.

3445 *The Clerk. Veasey votes no.

3446 Kuster?

3447 *Ms. Kuster. No.

3448 *The Clerk. Kuster votes no.

3449 Kelly?

3450 [No response.]

3451 *The Clerk. Barragan?

3452 *Ms. Barragan. [Inaudible.]

3453 *The Clerk. Barragan votes no.

3454 Blunt Rochester?

3455 *Ms. Blunt Rochester. [Inaudible.]

3456 *The Clerk. Blunt Rochester votes no.

3457 Soto?

3458 *Mr. Soto. [Inaudible.]

3459 *The Clerk. Soto votes no.

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3460 Craig?

3461 *Ms. Craig. [Inaudible.]

3462 *The Clerk. Craig votes no.

3463 Schrier?

3464 *Ms. Schrier. [Inaudible.]

3465 *The Clerk. Schrier votes no.

3466 Trahan?

3467 *Mrs. Trahan. [Inaudible.]

3468 *The Clerk. Trahan votes no.

3469 Fletcher?

3470 *Mrs. Fletcher. [Inaudible.]

3471 *The Clerk. Fletcher votes no.

3472 *The Chair. Are there any members not recorded?

3473 While the clerk is counting, I just wanted to say a
3474 quick note about Kristin Seum, who will have her last day on
3475 the Energy and Commerce Committee. She came to us from
3476 Morgan Griffith's office, Morgan -- back in 2019. And she
3477 served for five years on the Energy and Commerce Committee.
3478 She helped us during the -- helped us a ton during the
3479 pandemic, when members were trying all hands on deck to
3480 respond and try to get supplies and connections. And then
3481 she also was very helpful, lead on the FDA reauthorization

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3482 bill last year, many of the provisions that we got included
3483 in the omnibus at the end of 2022, and doing that all while
3484 just being a great member of the team, and starting her
3485 family. She gave birth last August to Della, and she is
3486 going to be moving on.

3487 And I wanted to say thank you for all of your great
3488 leadership and work on the committee.

3489 So please join me in thanking Kristin Seum.

3490 [Applause.]

3491 *The Chair. All right. The clerk will report.

3492 *The Clerk. Madam Chair, on that vote we have 24 ayes
3493 and 19 nays.

3494 *The Chair. The ayes have it, and the bill is adopted.

3495 Without objection, staff is authorized to make technical
3496 and conforming changes to the legislation approved by the
3497 committee today. So ordered.

3498 Without objection, the committee stands adjourned.

3499 [Whereupon, at 12:34 p.m., the committee was adjourned.]