

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Ranking Member Frank Pallone, Jr.

Health Subcommittee Hearing on “Lives Worth Living: Addressing the Fentanyl Crisis, Protecting Critical Lifelines, and Combatting Discrimination Against Those with Disabilities”

February 1, 2023

Thank you, Chairman Guthrie. I believe the top priority of this Subcommittee is ensuring all Americans have access to quality and affordable health coverage so they can live long and healthy lives. I am also proud of this Subcommittee’s work in the last Congress, which is a testament to the life-changing and life-saving policies we can achieve if we work together.

Last Congress, we passed landmark laws that make health care and prescription drugs more affordable. We expanded access to health care, including to children and mothers through CHIP and Medicaid. We equipped the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) with critical tools and resources to maintain and enhance our nation’s public health. And we made significant investments to address the mental health and substance use disorder crises, including implementing historic policy reforms to address the overdose crisis. Specifically, we included the MAT Act, which will increase access to life-saving treatments for those experiencing substance use disorders. We accomplished a tremendous amount and I commend every member of the Subcommittee for their dedication and hard work.

Today, we will discuss the scourge that is illicit fentanyl and fentanyl-related substances (FRS), which have caused so much harm and death to our families, friends, and constituents. The policies passed in the fiscal year 2023 omnibus in December, some of which I just mentioned, are concrete examples of the work we are doing to save lives.

I am disappointed that our first hearing in the Health Subcommittee does not build on the successes of last Congress, but rather, that my Republican colleagues have chosen to take a different route with the partisan HALT Fentanyl Act. We have learned time and time again that we cannot incarcerate our way out of a public health crisis, and that a broader public health approach is needed to address what is at its root a health problem. Moreover, my Republican colleagues were unwilling to consider any Democratic bills to address the overdose crisis for inclusion in this hearing. That is disappointing.

If Republicans are serious about finding a long-term solution, then they should be willing to discuss bipartisan, evidence-based policies to address the substance use and overdose crisis. One such bill is the bipartisan Save Americans from the Fentanyl Emergency Act, which was introduced by Representatives Pappas, Newhouse, and Gonzalez. This legislation reflects the Administration’s comprehensive approach to address the fentanyl crisis. Our nation’s law enforcement and public health agencies both agreed to this approach.

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I'm disappointed that this bill was not included in the hearing, as well as many other bipartisan bills that would help us address the overdose crisis. Representative Tonko's bipartisan Reentry Act would ensure that individuals transitioning out of the justice system and into our communities have access to treatment for substance use disorders.

We are also considering a bill today to ban the use of Quality Adjusted Life Years – often referred to as “QALYs” – in value measurements and price determinations set by federal agencies and states. While I appreciate and respect the perspectives of those in the disability community about any economic metrics that values certain lives differently, I fear this bill is a solution in search of a problem. Federal law already prohibits the use of QALYs in Medicare, and Medicaid is required to cover, with limited exceptions, every outpatient drug covered by the program if a manufacturer has a rebate agreement in place.

As I mentioned earlier, Democrats delivered on our promise to lower drug prices last year with the enactment of the Inflation Reduction Act. That new landmark law provides the Secretary of Health and Human Services with the authority to negotiate to lower drug prices for Medicare beneficiaries for the first time, while also explicitly prohibiting the use of QALYs in this process. I fear this bill could be a Trojan horse that goes far beyond just banning QALYs, by potentially banning all other kinds of ways of measuring a drug's value. This would result in artificially keeping drug prices and health care costs high, while also tying the hands of the federal government in determining the value of health care services and treatments. If my Republican colleagues want to discuss how best to protect the disability community, we should consider the impacts of proposed cuts that the Republican majority wants to make in exchange for a debt ceiling increase. The Republican Study Committee's budget for fiscal year 2023 calls for cutting Medicaid and CHIP by \$3.6 trillion and cutting Medicare by \$2.8 trillion. These drastic cuts would be devastating for the millions of people with disabilities who rely on Medicaid for their health and well-being. The Republican plan to slash and burn Medicaid is an existential threat to a major source of health insurance for individuals with disabilities, and Democrats will aggressively oppose these cuts.

As for today's hearing, I welcome the discussion on how we move forward to address the fentanyl crisis, and hope that, in the coming weeks, the Subcommittee can discuss bipartisan solutions that were unfortunately not included in this hearing.

Thank you.