



## MEMORANDUM

March 6, 2023

TO: Members of the Subcommittee on Health

FROM: Committee Majority Staff

RE: Subcommittee on Health Markup

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### I. INTRODUCTION

On Wednesday, March 8, at 1:00 p.m. (EST), or 30 minutes after the Subcommittee on Communications and Technology markup concludes, the Subcommittee on Health will meet in open markup session in 2123 Rayburn House Office Building to consider the following:

- H.R. 501, the “Block, Report, And Suspend Suspicious Shipments Act” (*Rep. Harshbarger*)
- H.R. 498, the “9-8-8 Lifeline Cybersecurity Responsibility Act” (*Rep. Obernolte*)
- H.R. 485, the “Protecting Health Care for All Patients Act of 2023” (*Rep. Rodgers*)
- H.R. 467, the “HALT Fentanyl Act” (*Rep. Griffith*)
- H.R. 801, the “Securing the Border for Public Health Act of 2023” (*Rep. Lesko*)

In keeping with Chair Rodgers’ announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to [EandCdocs@mail.house.gov](mailto:EandCdocs@mail.house.gov). Any information with respect to an amendment’s parliamentary standing (e.g., its germaneness) should be submitted at this time.

### II. EXPLANATION OF LEGISLATION

- A. **H.R. 501** - requires drug manufacturers, distributors, and other DEA registrants to practice due diligence when discovering suspicious orders of controlled substances. Specifically, these DEA registrants are required to report and decline to fill these orders of all controlled substances. Additionally, the bill requires the DEA to go through rulemaking to specify the indicators that give rise to suspicious orders and the likelihood of diversion if an order is filled.
- B. **H.R. 498** - requires internal coordination within HHS to protect the 9-8-8 lifeline from cybersecurity incidents. Additionally, the bill requires 9-8-8 network administrator to report potential cybersecurity threats to SAMHSA immediately upon their discovery. The bill also requires the Comptroller General to conduct a study to evaluate cybersecurity risks and vulnerabilities associated with the 9-8-8 lifeline.

- C. **H.R. 485** - prohibits all federal health care programs, including the Federal Employees Health Benefits Program, and federally funded state health care programs (e.g., Medicaid) from using prices that are based on quality-adjusted life years (i.e., measures that discount the value of a life based on disability) to determine relevant thresholds for coverage, reimbursements, or incentive programs.
- D. **H.R. 467** - places fentanyl-related substances (FRS) permanently into Schedule I of the Controlled Substances Act. The bill also simplifies the registration processes for certain research with Schedule I substances and exempts an individual FRS from Schedule I when evidence demonstrates it is appropriate.
- E. **H.R. 801** – amends the Public Health Service Act to expand Title 42 (42 U.S.C 265) authority and allow the HHS Secretary, after consultation with the Attorney General, to suspend persons and imports related to certain controlled substances from certain designated foreign countries into the United States. This includes certain narcotic drugs, opiates, opium derivatives, stimulants, and fentanyl-related substances.

### **III. STAFF CONTACTS**

If you have any questions regarding this markup, please contact Grace Graham of the Committee Staff at (202) 225-3641.