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5 MARKUP ON:

6 H.R. 501 (HARSHBARGER), THE BLOCK, REPORT, AND SUSPEND
7 SUSPICIOUS SHIPMENTS ACT;

8 H.R. 498 (OBERNOLTE), THE 9-8-8 LIFELINE CYBERSECURITY
9 RESPONSIBILITY ACT;

10 H.R. 485 (RODGERS), THE PROTECTING HEALTH CARE FOR ALL
11 PATIENTS ACT OF 2023;

12 H.R. 467 (GRIFFITH), THE HALT FENTANYL ACT; AND

13 H.R. 801 (LESKO), THE SECURING THE BORDER FOR PUBLIC HEALTH
14 ACT OF 2023

15 WEDNESDAY, MARCH 8, 2023

16 House of Representatives,

17 Subcommittee on Health,

18 Committee on Energy and Commerce,

19 Washington, D.C.

20

21 The subcommittee met, pursuant to call, at 1:02 p.m. in

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22 Room 2123, Rayburn House Office Building, Hon. Brett Guthrie
23 [chairman of the subcommittee], presiding.

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25

26 Present: Representatives Guthrie, Burgess, Latta,
27 Griffith, Bilirakis, Johnson, Bucshon, Hudson, Carter, Dunn,
28 Pence, Crenshaw, Joyce, Harshbarger, Miller-Meeks, Obernolte,
29 and Rodgers (ex officio); Eshoo, Sarbanes, Cardenas, Ruiz,
30 Dingell, Kuster, Kelly, Barragan, Blunt Rochester, Craig,
31 Trahan, and Pallone (ex officio)

32

33

34 Staff Present: Alec Aramanda, Professional Staff
35 Member, Health; Jolie Brochin, Clerk, Health; Kristin Flukey,
36 Professional Staff Member, Health; Seth Gold, Professional
37 Staff Member, Health; Grace Graham, Chief Counsel, Health;
38 Jack Heretik, Press Secretary; Jessica Herron, Clerk, CPAC;
39 Nate Hodson, Staff Director; Tara Hupman, Chief Counsel; Noah
40 Jackson, Clerk, C&T; Peter Kielty, General Counsel; Emily
41 King, Member Services Director; Chris Krepich, Press
42 Secretary; Molly Lolli, Counsel, Health; Clare Paoletta,

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43 Professional Staff Member, Health; Kaitlyn Peterson, Clerk,
44 Energy & Environment; Carla Rafael, Staff Assistant; Michael
45 Taggart, Policy Director; Lydia Abma, Minority Policy
46 Analyst; Hannah Anton, Minority Staff Assistant; Jacquelyn
47 Bolen, Minority Health Counsel; Waverly Gordon, Minority
48 Deputy Staff Director and General Counsel; Tiffany Guarascio,
49 Minority Staff Director; Una Lee, Minority Chief Health
50 Counsel; Juan Negrete, Minority Professional Staff Member;
51 Rick Van Buren, Minority Senior Health Counsel; and C.J.
52 Young, Minority Deputy Communications Director

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55 *Mr. Guthrie. The subcommittee will come to order.

56 The chair will recognize himself for an opening
57 statement.

58 Today the Health Subcommittee will hold its first
59 subcommittee markup for the 118th Congress.

60 The American people delivered a strong message to
61 Congress in November of last year, and elected Republicans to
62 lead the House. Americans wanted safer streets, securer
63 borders, and a government that is accountable to them. We
64 have already delivered on a few of those promises by voting
65 to end the COVID-19 public health emergency, and voting to
66 end the Centers for Medicare and Medicaid Services' COVID-19
67 vaccine mandate on our health care heroes, to name just a
68 couple of bills.

69 Today we are one step closer to delivering on more
70 promises that will protect our children, secure our borders,
71 and uphold the dignity of human life.

72 The legislation before us today will help ensure
73 Americans live longer, healthier lives, and bring us one step
74 closer to ensuring parents can sleep easier at night, knowing
75 that we are cracking down on illicit fentanyl and fentanyl-

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76 related substances that are threatening the lives of tens of
77 thousands of Americans.

78 Over the past two years we have seen historic rises in
79 illicit fentanyl seizures at our southern border and, sadly,
80 record-high fentanyl poisonings and drug overdoses. Too many
81 Americans have lost their lives due to drug overdose, largely
82 driven by synthetic opioids like illicit fentanyl. In my
83 home state of Kentucky, illicit fentanyl contributed to over
84 70 percent of all overdose deaths in the Commonwealth in
85 2021, which saw an increase of 14 percent in drug overdoses
86 between 2020 and 2021. That is why it is important for me to
87 support the HALT Fentanyl Act that is before us today.

88 This bill was introduced by my colleagues,
89 Representatives Griffith and Latta, and would permanently
90 schedule fentanyl-related substances as schedule I drugs. It
91 is long past due for this legislation to become law, and
92 finally remove the incentive for criminals to create new
93 fentanyl-related substances.

94 We can't keep kicking the can down the road. We should
95 have a permanent solution to address the flow of fentanyl-
96 related substances coming into our communities. Further lack

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97 of permanent action only emboldens those trafficking these
98 toxins into our communities, and allows criminals to continue
99 tearing our communities apart.

100 The HALT Fentanyl Act isn't the only solution to address
101 the unprecedented supply of drugs flooding our streets. Mrs.
102 Lesko's legislation, the Securing the Border for Public
103 Health Act, would expand current title 2 authority -- 42
104 authority to allow the Secretary of Health and Human
105 Services, after consultation with the Attorney General, to
106 stop persons and property from entry into the United States
107 to prevent the flow of certain controlled substances and
108 protect our nation's public health. This bill will help
109 prevent dangerous illicit drugs are not being trafficked into
110 our communities (sic).

111 To be clear, votes for these bills are not votes to
112 reform our nation's immigration laws. These are votes to
113 strengthen our public health security and continue our work
114 to combat the overdose crisis and save lives.

115 We must also take steps to ensure we are working to stem
116 the tide of this crisis through legal channels, and ensure
117 there isn't an oversupply of prescription opioids on our

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118 streets. That is why I strongly support Representative
119 Harshbarger's legislation, H.R. 501, Block, Report, Suspend
120 Suspicious Shipments Act, which would require drug
121 manufacturers and distributors to report all suspicious
122 orders of controlled substances to the DEA, and require these
123 entities to decline to fill such orders. Fighting the
124 overdose epidemic necessitates a multi-pronged approach and a
125 strong partnership between the public and private sectors,
126 which this legislation accomplishes.

127 The next piece of legislation before us today, 498, the
128 9-8-8 Lifeline Cybersecurity Responsibility Act, will address
129 cybersecurity vulnerabilities within the 988 Suicide and
130 Crisis Lifeline system to help ensure individuals in
131 emotional distress or suicide crisis continue to have access
132 to this lifesaving resource without disruption. I thank
133 Representative Obernolte for leading this important bill, and
134 urge its immediate passage.

135 Last is Chair Rodgers's H.R. 485, the Protecting Health
136 Care for All Patients Act of 2023, which would permanently
137 ban the use of quality-adjusted life years in all Federal
138 health programs. These discriminatory measures pick winners

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139 and losers by valuing some lives more than others, and reduce
140 access to potentially lifesaving treatments for vulnerable
141 populations like those living with disabilities. I urge the
142 swift passage of this important legislation.

143 Thank you, and I yield back, and the chair now
144 recognizes my good friend from California, Ms. Eshoo, for
145 five minutes for an opening statement.

146 *Ms. Eshoo. Thank you, Mr. Chairman, and good
147 afternoon, colleagues.

148 During the health hearing on four of these bills that we
149 are taking up today I stated my view that the bills could win
150 bipartisan support if we negotiated the specifics. I said to
151 the chairwoman that day, "Let's get this figured out."

152 Since then, our Republican colleagues have come to the
153 table to negotiate, and were extremely close on a bipartisan
154 agreement to ban the use of the discriminatory metric named
155 "quality-adjusted life years." As the chairman just said,
156 this cost effectiveness metric inherently devalues the lives
157 of people with a disability. I am committed to getting to
158 getting to an agreement before the committee, the full
159 committee, marks up the bill, and I thank the chairwoman for

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160 her work with us on this to make it so.

161 Unfortunately, there hasn't been an effort to negotiate
162 how to permanently schedule illicit fentanyl-related
163 substances in the HALT Fentanyl Act. This is unfortunate,
164 because I think we could also get to a bipartisan bill if the
165 Republicans would come to the table. Most Democrats support
166 permanently scheduling illicit fentanyl-related substances.
167 We just need to make sure the policy on mandatory minimums is
168 revised to avoid continuing the ineffective and harmful
169 policies of the past. Mandatory minimums should take into
170 account whether the cases involve overdoses or serious bodily
171 harm.

172 Democrats will offer bipartisan, I think, common-sense
173 amendments to the HALT Fentanyl Act to strengthen the
174 Republican effort, and I urge subcommittee members to vote
175 for these bipartisan amendments.

176 I am disappointed that we are marking up the Securing
177 the Border for Public Health Act to authorize the HHS
178 Secretary to suspend all immigration and imports from a given
179 foreign country to prevent the distribution of controlled
180 substances. This is an inflammatory and far-reaching

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181 immigration bill that has never been heard by a subcommittee,
182 and I can't support it, and I think that we can do much
183 better than this.

184 Finally, we are marking up two bipartisan bills,
185 thankfully. The Block, Report, and Suspend Suspicious
186 Shipments Act that requires drug manufacturers, distributors,
187 and other DEA registrants to report and decline to fill
188 suspicious orders of controlled substances. The 9-8-8
189 Lifeline Cybersecurity Responsibility Act is a common-sense
190 bill that requires the 988 network administrator to report
191 potential cybersecurity threats to SAMHSA immediately. And
192 that is something I think we all can and will support.

193 This subcommittee should continue our tradition of
194 bipartisan work to improve our nation's health care. I look
195 forward to a productive markup and advancing bills that can
196 pass the Senate and be signed into law by the President.

197 With that, I yield back, Mr. Chairman.

198 *Mr. Guthrie. I thank the gentlelady for yielding back.
199 And the chair now recognizes the chair of the full committee,
200 Chair McMorris Rodgers, for five minutes for an opening
201 statement.

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202 *The Chair. Thank you, Mr. Chairman, and thank you to
203 all my colleagues who are leading on bills today. Together,
204 we are taking action to address the illicit fentanyl crisis,
205 protect the 988 Suicide and Crisis Lifeline, and stop
206 discrimination against people with disabilities.

207 More people than ever are dying from fentanyl
208 poisonings. As many parents have appealed to us, this
209 requires urgent action. Moms like Molly Cain deserve
210 justice. We must secure the border and do everything in our
211 power to make sure law enforcement has the tools that they
212 need to seize fentanyl and fentanyl-related substances. That
213 is why we are advancing Representative Griffith and Latta's
214 HALT Fentanyl Act, and Representative Lesko and
215 Miller-Meeks's bill, the Securing the Border for Public
216 Health Act.

217 The HALT Fentanyl Act would permanently place fentanyl-
218 related substances into schedule I of the Controlled
219 Substances Act, and make sure law enforcement can keep these
220 weapons-grade poisons off our streets. DEA testified just
221 last month that permanently scheduling fentanyl-related
222 substances in schedule I is their number-one legislative

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223 priority. And in our field hearing in McAllen, we all heard
224 and saw why.

225 The Securing the Border for Public Health Act would
226 expand current title 42 authority to be used to stop the
227 import of certain controlled substances, including fentanyl
228 and fentanyl-related substances.

229 I want to be very clear. The Biden Administration
230 cannot let the emergency scheduling order expire, and it
231 should not lift title 42. If the Administration continues
232 its open border agenda, Mexican cartels like the one that
233 just kidnaped four Americans and killed two of them will be
234 even more emboldened.

235 I urge us to come together to save lives, halt fentanyl,
236 stop the criminals pushing these poisons, and secure our
237 border.

238 I also want to recognize Rep. Harshbarger's Block,
239 Report, and Suspend Suspicious Shipments Act. The opioid
240 epidemic was fueled in part by suspiciously large shipments
241 of controlled substances being delivered across the country,
242 especially in the Appalachian region. This bill would stop
243 -- would help stop this practice and save lives by requiring

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244 drug manufacturers and distributors that discover a
245 suspicious order for controlled substances to halt the order
246 and report that information to DEA.

247 Additionally, the 988 Suicide and Crisis Lifeline
248 suffered a cyber attack, and was shut down for several hours
249 late last year. This lifeline is a critical tool that
250 provides support and hope to people in suicidal crisis or
251 emotional distress. We don't yet know the magnitude of the
252 individuals impacted by the outage, but we must make sure it
253 doesn't happen again. Thank you, Rep. Obernolte, for your
254 work on the 9-8-8 Lifeline Cybersecurity Responsibility Act.
255 It requires coordination and reporting to improve
256 cybersecurity protections for the 988 Suicide and Crisis
257 Lifeline.

258 Lastly, regarding my legislation to ban the use of
259 quality-adjusted life years, or QALYs, and other similar
260 measures by state and Federal Government health care
261 programs, more than 70 disability and patient organizations
262 agree that QALYs are discriminatory and have no place in our
263 decision-making. Imagine having to beg the government for a
264 drug for your son with a progressive disease. Imagine being

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265 told by the government his life isn't worth the cost of his
266 medication, or being told that your child with Down Syndrome
267 has a life less worthy of saving and, therefore, the
268 government won't cover the cost of an organ transplant.

269 The Federal Government can evaluate the effectiveness of
270 treatments and cures without devaluing the lives of seniors
271 and people with disabilities. I will have an amendment to
272 reflect feedback from HHS and other stakeholders to ensure
273 that this legislation achieves its goal, and I hope that it
274 will be recommended with broad support to the full committee.

275 At the center of all these bills today, the Energy and
276 Commerce Committee is leading to affirm that every life is
277 worth living. For those in despair, we are offering hope for
278 a brighter and more secure future for all. And it is
279 critical that we continue to make progress on these bills in
280 today's subcommittee.

281 I look forward to our discussion and the work to come
282 for the people's house to take action on these solutions.

283 Thank you, and I yield back.

284 *Mr. Guthrie. I thank the gentlelady for her opening
285 statement, and the chair now recognizes the ranking member of

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286 the full committee, the gentleman from New Jersey,
287 Representative Pallone, for five minutes for an opening
288 statement.

289 *Mr. Pallone. Thank you, Chairman. Today the
290 subcommittee is marking up five bills, some bipartisan and
291 others partisan.

292 It is unfortunate that the Republicans have decided to
293 include the partisan HALT Fentanyl Act as part of this
294 markup. Every member of this subcommittee agrees that we
295 must continue to work to address the overdose crisis that is
296 devastating communities across the nation.

297 Last Congress we were able to work together to achieve
298 bipartisan policy reforms to address the substance use crisis
299 and to increase access to prevention, treatment, and recovery
300 services. This bipartisan work was critically important,
301 because more than 107,000 Americans died from an overdose
302 over a 12-month period in 2022, and 60 percent of overdose
303 deaths that year involved synthetic opioids like fentanyl.

304 This complex public health problem requires thoughtful,
305 measured solutions. And that is why I am disappointed that
306 my Republican colleagues have not tried to work with us in a

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307 bipartisan manner on this issue so far this Congress, and --
308 instead of bringing a partisan bill that I believe stands no
309 chance of becoming law.

310 Republicans have also included H.R. 801, a misguided
311 expansion of title 42 authorities that does not address the
312 root causes of the opioid crisis. It is a bill that
313 represents a massive expansion of executive power, allowing
314 the Secretary of Health and Human Services the ability to
315 restrict the rights of those seeking legal asylum
316 protections, based on an undefined threat.

317 Under our reading of the bill, the legislation would
318 also allow the Secretary to shut down all legal ports of
319 entry, and block international trade indefinitely under the
320 sole finding of a serious danger of certain controlled
321 substances entering the country. And I don't think that ever
322 was the intent of the public health provisions under title
323 42. I fear this legislation is a political stunt. And
324 rather than considering evidence-based, balanced public
325 health approaches to the fentanyl crisis, Republicans are
326 focusing on pushing partisan immigration policy.

327 We are also considering H.R. 485, a bill to ban the use

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328 of quality-adjusted life years in Federal health programs and
329 states. While I will work to find a bipartisan path forward
330 before a full committee markup, I continue to be concerned
331 about the scope of the underlying bill. Specifically, I have
332 asked for changes to ensure that the bill will not impact the
333 implementation of the prescription drug negotiation
334 provisions included in the Inflation Reduction Act.

335 In particular, we need to make clear that this proposed
336 prohibition on the use of quality-adjusted life years in
337 Federal law does not bar the use of non-discriminatory
338 measures of a drug's value. Unfortunately, we were unable to
339 come to an agreement on my requested language change in time
340 for this subcommittee markup. And while the language has
341 come a long way since the legislative hearing, it still needs
342 work in order to gain my support.

343 I also hope Republicans will be willing to work with our
344 colleagues on the Armed Services Committee, the Veterans
345 Affairs Committee, and other affected committees to
346 understand the impact of these changes on programs within
347 their jurisdiction. I don't think that work has begun yet,
348 and I look forward to continuing to work with the majority to

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349 ensure the language accomplishes our shared goals.

350 I am also committed to continuing to work between now
351 and the full committee on comprehensive strategies that
352 combat illicit fentanyl, support our border, and ensure that
353 all Americans can access the treatment that they need.

354 Now, we are also considering two bills today that have
355 bipartisan support: one, H.R. 501, the Block, Report, and
356 Suspend Suspicious Shipments Act; and H.R. 498, the 9-8-8
357 Lifeline Cybersecurity Responsibility Act. And I thank the
358 members who worked on these bills, and look forward to
359 advancing them to the full committee.

360 And with that, Mr. Chairman, I yield back.

361 *Mr. Guthrie. I thank the gentleman for yielding back.
362 The chair reminds members that, pursuant to the committee
363 rules, all members' opening statements will be made part of
364 the record.

365 Are there any further opening statements?

366 Seeing none, the chair calls up H.R. 501, and asks the
367 clerk to report.

368 *The Clerk. H.R. 501, a bill to amend the Controlled
369 Substances Act to require registrants to decline to fill

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370 certain suspicious orders, and for other purposes.

371 *Mr. Guthrie. Without objection, the first reading of
372 the bill is dispensed with, and the bill will be open for
373 amendment at any point.

374 So ordered.

375 [The bill follows:]

376

377 *****COMMITTEE INSERT*****

378

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379 *Mr. Guthrie. Does anyone seek to be recognized on the
380 bill?

381 *Mrs. Harshbarger. Mr. Chairman?

382 *Mr. Guthrie. For what purpose does the gentlelady from
383 Tennessee seek recognition?

384 *Mrs. Harshbarger. I move to strike the last word in
385 support of the bill.

386 *Mr. Guthrie. The gentlelady is recognized for five
387 minutes to strike the last word.

388 *Mrs. Harshbarger. Thank you, Mr. Chairman. I want to
389 thank Chairman Guthrie and Chairwoman McMorris Rodgers for
390 convening this meeting on these health bills, and also to
391 thank my colleague, Representative Debbie Dingell, for
392 joining me in introducing H.R. 501, the Block, Report, and
393 Suspend Suspicious Shipments Act. I know she has worked hard
394 to advance this legislation in the past couple of congresses.

395 Breaking the opioid epidemic stronghold on our nation is
396 one of my foremost priorities. And in an effort to do so, my
397 colleagues and I have introduced legislation that requires
398 drug manufacturers, distributors, and other Drug Enforcement
399 Administration registrants to report and to halt suspicious

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400 orders of controlled substances, with the requirements and
401 guardrails needed to ensure these addictive and potentially
402 dangerous drugs do not fall into the wrong hands while the
403 DEA investigates.

404 Future generations depend on us solving the addiction
405 crisis, and this is an important step towards that outcome.
406 I look forward to advancing this bipartisan legislation, and
407 to continuing to work with the committee and stakeholders to
408 ensure that this bill is as effective and workable as
409 possible.

410 As we move toward hopeful enactment of H.R. 501 and
411 continue our fight against opioid substance use disorders, I
412 hope this committee and Congress will work with the DEA to
413 ensure that the system for reporting suspicious orders is
414 operated in a common-sense and balanced way, and that the
415 agency does not unreasonably impair access to therapies that
416 have been proven effective in combating the opioid overdose
417 crisis.

418 And with that, I yield back.

419 *Mr. Guthrie. The gentlelady yields back. The
420 gentlelady from Michigan is recognized.

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421 For what purpose does the gentlelady from Michigan seek
422 recognition?

423 *Mrs. Dingell. I move to strike the last word.

424 *Mr. Guthrie. The gentlelady is recognized for five
425 minutes to strike the last word.

426 *Mrs. Dingell. Thank you, Mr. Chairman. I rise in
427 strong support of H.R. 501 the Block, Report, and Suspend
428 Suspicious Shipments Act.

429 As most of you know, the opioid crisis is a very serious
430 concern of mine, as it is to everyone on this committee. Too
431 many families have lost a loved one due to a drug overdose,
432 including my own. My home state has been hit hard. In
433 Michigan eight individuals die of a drug overdose every day,
434 and this is just simply unacceptable.

435 Pill dumping and other dodgy practices have perpetuated
436 the opioid crisis, which continues to upend communities
437 across the nation. That is why I have been so proud to again
438 introduce the Block, Report, and Suspend Suspicious Shipments
439 Act, which advanced through this committee and passed on the
440 House floor the past two congresses. Hope springs eternal.
441 Maybe we will really help people.

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442 But I am really happy to have a partner and -- to lead
443 this reintroduction on this legislation with Rep.
444 Harshbarger, who -- she is going to be a great partner, and I
445 so appreciate her work, and I look forward to working with
446 Chairwoman Rodgers and Ranking Member Pallone to make
447 additional changes to strengthen the bill.

448 When it comes to identifying ways to keep Americans
449 safe, we must look at the roles and responsibilities of drug
450 manufacturers and distributors. With this legislation, we
451 can require drug manufacturers, distributors, and other DEA
452 registrants to not only report, but also block or decline to
453 fill suspicious orders.

454 I would like to thank Chairman Guthrie and Ranking
455 Member Eshoo for including this bill as part of today's
456 markup, and advancing this bipartisan effort to address the
457 abuse of practices which are fueling the ongoing opioid
458 crisis.

459 I urge all of my colleagues to support this important
460 legislation.

461 Thank you, Mr. Chair, and I yield back.

462 *Mr. Guthrie. Thanks. I thank the gentlelady. The

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463 gentlelady yields back. Anyone seeking recognition?

464 The chair recognizes the chair of the full committee,
465 Mrs. Morris Rodgers, for five minutes.

466 *The Chair. I move to strike the last --

467 *Mr. Guthrie. Strike the last word? The chair
468 recognizes Mrs. McMorris Rodgers.

469 *The Chair. Thank you. Thank you, Mr. Chairman. H.R.
470 501, the Block, Report, and Suspend Suspicious Shipments Act,
471 is bipartisan legislation that is critical in helping combat
472 the opioid epidemic.

473 The legislation requires DEA registrants to practice due
474 diligence when discovering suspicious orders of controlled
475 substances. The registrants shall then decline to fill, and
476 report the order to DEA. We have received relevant
477 stakeholder feedback, and I would -- just wanted to ask the
478 ranking member for his commitment that, as we move forward to
479 the full committee, we work together to address stakeholder
480 and agency recommendations to ensure everyone's voice is
481 heard.

482 And I yield to the ranking member.

483 *Mr. Pallone. Thank you, Madam Chairwoman. H.R. 501,

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484 the Block, Report, and Suspend Suspicious Shipments, is a
485 bipartisan bill that has passed through regular order in this
486 subcommittee in both the 116th and 117th Congresses. And
487 this bill clarifies that drug distributors must perform due
488 diligence when discovering a suspicious order of controlled
489 substances. Further, it clarifies that if distributors
490 cannot dispel the factors that led to the original suspicion,
491 they must decline to fill the order, record the appropriate
492 information, and report it to the DEA.

493 I understand that the sponsors of the bill and our
494 staffs have worked in a bipartisan manner to reintroduce this
495 bill and make updates. It has been brought to my attention
496 that this bill may need additional changes, but we are
497 waiting for supplementary feedback from stakeholders and
498 Federal agencies.

499 So you have my commitment to working with you and the
500 sponsors to make any necessary changes between now and a
501 future full committee markup, and I am confident that we
502 share the goal of creating good policy.

503 And so, with that, I yield back. Thank you, Madam
504 Chair.

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505 *The Chair. Thank you. I yield back.

506 *Mr. Guthrie. The gentlelady yields back. Does anyone
507 seek to be recognized on the bill?

508 Seeing no one seeking recognition, are there bipartisan
509 amendments to the bill?

510 Seeing no amendments, are there other amendments to the
511 bill?

512 No amendments being offered, the question now occurs on
513 forwarding of H.R. 501, as -- H.R. 501 to the committee.

514 All those -- excuse me, let me say that again. The
515 question now occurs on forwarding 501 to the full committee.

516 All those in favor, say aye.

517 All opposed, say no.

518 A roll call vote being requested -- yes, a roll call
519 vote being requested, so the roll call -- the request for the
520 yeas and nays, so the clerk shall call the roll.

521 *The Clerk. Guthrie?

522 *Mr. Guthrie. Aye.

523 *The Clerk. Guthrie votes aye.

524 Burgess?

525 *Mr. Burgess. [Inaudible.]

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526 *The Clerk. Burgess votes aye.

527 Latta?

528 *Mr. Latta. Aye.

529 *The Clerk. Latta votes aye.

530 Griffith?

531 [No response.]

532 *The Clerk. Bilirakis?

533 *Mr. Bilirakis. Aye.

534 *The Clerk. Bilirakis votes aye.

535 Johnson?

536 *Mr. Johnson. Aye.

537 *The Clerk. Johnson votes aye.

538 Bucshon?

539 *Mr. Bucshon. Aye.

540 *The Clerk. Bucshon votes aye.

541 Hudson?

542 *Mr. Hudson. Aye.

543 *The Clerk. Hudson votes aye.

544 Carter?

545 *Mr. Carter. Aye.

546 *The Clerk. Carter votes aye.

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547 Dunn?

548 *Mr. Dunn. Aye.

549 *The Clerk. Dunn votes aye.

550 Pence?

551 *Mr. Pence. Aye.

552 *The Clerk. Pence votes aye.

553 Crenshaw?

554 *Mr. Crenshaw. Aye.

555 *The Clerk. Crenshaw votes aye.

556 Joyce?

557 *Mr. Joyce. Aye.

558 *The Clerk. Joyce votes aye.

559 Harshbarger?

560 *Mrs. Harshbarger. Aye.

561 *The Clerk. Harshbarger votes aye.

562 Miller-Meeks?

563 *Mrs. Miller-Meeks. [Inaudible.]

564 *The Clerk. Miller-Meeks votes aye.

565 Oberholte?

566 *Mr. Oberholte. Aye.

567 *The Clerk. Oberholte votes aye.

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

568 Rodgers?
569 *The Chair. Aye.
570 *The Clerk. Rodgers votes aye.
571 Eshoo?
572 *Ms. Eshoo. Aye.
573 *The Clerk. Eshoo votes aye.
574 Sarbanes?
575 [No response.]
576 *The Clerk. Cardenas?
577 [No response.]
578 *The Clerk. Ruiz?
579 [No response.]
580 *The Clerk. Dingell?
581 *Mrs. Dingell. Aye.
582 *The Clerk. Dingell votes aye.
583 Kuster?
584 *Ms. Kuster. [Inaudible.]
585 *The Clerk. Kuster votes aye.
586 Kelly?
587 *Ms. Kelly. Aye.
588 *The Clerk. Kelly votes aye.

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589 Barragan?

590 *Ms. Barragan. Aye.

591 *The Clerk. Barragan votes aye.

592 Blunt Rochester?

593 *Ms. Blunt Rochester. Aye.

594 *The Clerk. Blunt Rochester votes aye.

595 Craig?

596 *Ms. Craig. Aye.

597 *The Clerk. Craig votes aye.

598 Schrier?

599 [No response.]

600 *The Clerk. Trahan?

601 *Mrs. Trahan. Aye.

602 *The Clerk. Trahan votes aye.

603 Pallone?

604 *Mr. Pallone. Aye.

605 *The Clerk. Pallone votes aye.

606 *Mr. Guthrie. How is Mr. Griffith recorded?

607 *The Clerk. Mr. Griffith is not recorded.

608 *Mr. Griffith. Griffith votes aye.

609 *The Clerk. Griffith votes aye.

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

610 *Mr. Cardenas. How is Cardenas recorded?

611 *The Clerk. Cardenas is not recorded.

612 *Mr. Cardenas. Aye.

613 *The Clerk. Cardenas votes aye.

614 *Mr. Guthrie. Anyone else who is seeking to answer the
615 roll?

616 Seeing none, the clerk shall report.

617 [Pause.]

618 *Mr. Ruiz. Ruiz --

619 *Mr. Guthrie. Ruiz, how is Ruiz recorded?

620 *The Clerk. Ruiz is not recorded.

621 *Mr. Ruiz. Yes.

622 *The Clerk. Ruiz votes aye.

623 *Mr. Guthrie. The clerk shall report.

624 *The Clerk. Chair Guthrie, on that vote there were 28
625 ayes and 0 nays.

626 *Mr. Guthrie. With 28 ayes and 0 nays, the ayes have
627 it, the bill is agreed to.

628 The chair calls up H.R. 498, and asks the clerk to
629 report.

630 *The Clerk. H.R. 498, a bill to amend title 5 of the

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631 Public Health Service Act to secure the suicide prevention
632 lifeline from cybersecurity incidents, and for other
633 purposes.

634 *Mr. Guthrie. Without objection, the first reading of
635 the bill is dispensed with, and the bill will be open for
636 amendment at any point.

637 So ordered.

638 [The bill follows:]

639

640 *****COMMITTEE INSERT*****

641

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

642 *Mr. Guthrie. Does anyone seek to be recognized on the
643 bill?

644 The gentleman from California, do you seek recognition?

645 *Mr. Obernolte. Mr. Chair, I have an amendment at the
646 desk.

647 *Mr. Guthrie. The gentleman is recognized. The clerk
648 shall report the amendment.

649 *The Clerk. Amendment in the nature of a substitute to
650 H.R. 498, offered by Mr. Obernolte. Strike all after the
651 enacting clause, and insert the following. Section 1 short
652 title. This act may be cited as the 9-8-8 Lifeline
653 Cybersecurity Responsibility Act. Section 2, protecting
654 suicide prevention --

655 *Mr. Guthrie. The reading can be dispensed with,
656 without objection.

657 [The amendment of Mr. Obernolte follows:]

658

659 *****COMMITTEE INSERT*****

660

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661 *Mr. Guthrie. So Mr. Obernolte is recognized.

662 *Mr. Obernolte. Well, thank you, Mr. Chair. I am proud
663 to be the author of H.R. 498, the 9-8-8 Lifeline
664 Cybersecurity Responsibility Act.

665 I am sure that everyone in this room is aware of the
666 critical role that the 988 Lifeline plays in preventing
667 suicide in the United States. It has been a critical
668 resource for many Americans who have been in crisis, and has
669 prevented, I am sure, countless deaths.

670 Unfortunately, in December, the 988 hotline was taken
671 down due to a cyber attack on the systems operator. This
672 bill is a response to that incident. It would improve
673 cybersecurity awareness and reporting, as well as making
674 other necessary changes to ensure that an incident like this
675 does not occur again.

676 The amendment in the nature of a substitute that I am
677 offering incorporates stakeholder feedback that will make the
678 bill more easy to implement, and clarify some of its
679 provisions.

680 I would also like to thank my bipartisan cosponsor, Tony
681 Cardenas of California, for his tireless work on this issue,

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682 and I respectfully urge adoption of the amendment and your
683 support of the bill.

684 I yield back.

685 *Mr. Guthrie. The gentleman yields back. Is there any
686 discussion on the amendment?

687 For what purpose does the gentleman from California seek
688 recognition?

689 *Mr. Cardenas. To strike the last word, Mr. Chair.

690 *Mr. Guthrie. The gentleman is recognized for five
691 minutes.

692 *Mr. Cardenas. Thank you very much. I am enjoying
693 working with my colleague Obernolte on this very important
694 issue, and I really appreciate your leadership, and am glad
695 to be working in a bipartisan basis on behalf of all the
696 people of our great country.

697 So with that, I just want to point out a few things. It
698 is impossible to ignore the worsening state of mental health
699 across our country, and treating this as an issue separate
700 from health overall is a grave error -- would be a grave
701 error. Mental illness and substance use disorders are
702 involved in one out of every 8 emergency department visits by

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703 a U.S. adult, and suicide is the second leading cause of
704 death among people ages 10 to 14. It is clear that we need
705 to treat this as the legitimate health crisis that it is.

706 This is one of the reasons why I believe there is so
707 much promise in the 988 Suicide and Crisis Lifeline. Not
708 only does the 3-digit calling code provide a 24/7 lifeline to
709 individuals in crisis from anywhere in the United States, it
710 also represents a change in the way we think and respond to
711 mental health illness as something that warrants help and
712 support, just like other kinds of health conditions.

713 Nine-eight-eight, in its fullest form, is not just a
714 number, but a connection to full mental health crisis
715 response. In other words, 988 provides someone to call,
716 someone to come, and somewhere to go. I am thrilled that the
717 Lifeline is rapidly increasing its capacity to provide
718 lifesaving care, due in part to the Biden Administration,
719 which has made implementation of 988 a priority, nationally.
720 It is paying off, and it is saving American lives every day.

721 But the Lifeline's promise can only be realized if it is
722 -- it remains secure. That is why I am proud to partner
723 again with my colleague, Representative Obernolte, to co-lead

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724 the 9-8-8 Lifeline Cybersecurity Responsibility Act, which
725 would help to protect 988 from future interference. After
726 the Lifeline experienced a service interruption in December
727 due to a suspected cyber attack, it became clear that we must
728 do more to defend the lifeline, and ensure that it can
729 continue to provide essential services to those in need at
730 every moment.

731 This bill aims to prevent this from happening again by
732 creating certain requirements to improve coordination and
733 reporting on cybersecurity incidents and vulnerabilities.
734 Nine-eight-eight is revolutionizing the way we address mental
735 health in this country, in our country. It is critical that
736 we preserve the Lifeline's ability to provide these
737 lifesaving services. This is a common-sense proposal that
738 will safeguard ongoing 988 operations.

739 And once again, I appreciate this opportunity for us to
740 work in a bipartisan basis on behalf of all of the American
741 people, especially the American people who are in need in a
742 mental health crisis moment.

743 And with that, Mr. Chairman, I yield back.

744 *Mr. Guthrie. The gentleman yields back. The chair

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745 would make the subcommittee aware that there is a vote on the
746 floor.

747 Is there any other discussion of the amendment?

748 Seeing no one seeking recognition, if there is no
749 further discussion, the vote occurs on the amendment.

750 All those in favor shall signify by saying aye.

751 All opposed, nay.

752 The ayes have it, and the amendment is agreed to.

753 Is there any discussion on the bill?

754 [Pause.]

755 *Mr. Guthrie. The question now occurs on forwarding
756 H.R. 498 to the full committee, as amended. Excuse me, let
757 me say it again.

758 The question now occurs on forwarding H.R. 498, as
759 amended, to the full committee.

760 All those in favor, say aye.

761 All opposed, no.

762 Is there a roll call vote requested?

763 *The Chair. Yes.

764 *Mr. Guthrie. A roll call having been requested, the
765 clerk shall call the roll.

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766 *The Clerk. Guthrie?
767 *Mr. Guthrie. Aye.
768 *The Clerk. Guthrie votes aye.
769 Burgess?
770 *Mr. Burgess. [Inaudible.]
771 *The Clerk. Burgess votes aye.
772 Latta?
773 *Mr. Latta. Aye.
774 *The Clerk. Latta votes aye.
775 Griffith?
776 *Mr. Griffith. Aye.
777 *The Clerk. Griffith votes aye.
778 Bilirakis?
779 *Mr. Bilirakis. Aye.
780 *The Clerk. Bilirakis votes aye.
781 Johnson?
782 [No response.]
783 *The Clerk. Bucshon?
784 *Mr. Bucshon. Aye.
785 *The Clerk. Bucshon votes aye.
786 Hudson?

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787 *Mr. Hudson. Aye.
788 *The Clerk. Hudson votes aye.
789 Carter?
790 *Mr. Carter. Aye.
791 *The Clerk. Carter votes aye.
792 Dunn?
793 *Mr. Dunn. Aye.
794 *The Clerk. Dunn votes aye.
795 Pence?
796 *Mr. Pence. Aye.
797 *The Clerk. Pence votes aye.
798 Crenshaw?
799 *Mr. Crenshaw. Aye.
800 *The Clerk. Crenshaw votes aye.
801 Joyce?
802 *Mr. Joyce. Aye.
803 *The Clerk. Joyce votes aye.
804 Harshbarger?
805 *Mrs. Harshbarger. Aye.
806 *The Clerk. Harshbarger votes aye.
807 Miller-Meeks?

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808 *Mrs. Miller-Meeks. Yes.

809 *The Clerk. Miller-Meeks votes aye.

810 Obernolte?

811 *Mr. Obernolte. Aye.

812 *The Clerk. Obernolte votes aye.

813 Rodgers?

814 *The Chair. Aye.

815 *The Clerk. Rodgers votes aye.

816 Eshoo?

817 *Ms. Eshoo. Aye.

818 *The Clerk. Eshoo votes aye.

819 Sarbanes?

820 [No response.]

821 *The Clerk. Cardenas?

822 *Mr. Cardenas. Aye.

823 *The Clerk. Cardenas votes aye.

824 Ruiz?

825 *Mr. Ruiz. Aye.

826 *The Clerk. Ruiz votes aye.

827 Dingell?

828 *Mrs. Dingell. [Inaudible.]

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829 *The Clerk. Dingell votes aye.
830 Kuster?
831 *Ms. Kuster. Aye.
832 *The Clerk. Kuster votes aye.
833 Kelly?
834 *Ms. Kelly. Aye.
835 *The Clerk. Kelly votes aye.
836 Barragan?
837 *Ms. Barragan. Aye.
838 *The Clerk. Barragan votes aye.
839 Blunt Rochester?
840 *Ms. Blunt Rochester. Aye.
841 *The Clerk. Blunt Rochester votes aye.
842 Craig?
843 *Ms. Craig. Aye.
844 *The Clerk. Craig votes aye.
845 Schrier?
846 [No response.]
847 *The Clerk. Trahan?
848 *Mrs. Trahan. Aye.
849 *The Clerk. Trahan votes aye.

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850 Pallone?

851 *Mr. Pallone. Aye.

852 *The Clerk. Pallone votes aye.

853 *Mr. Guthrie. Is there anyone seeking to be recognized
854 to call the -- answer the roll?

855 Anyone seeking to enter the roll?

856 Seeing none, the clerk shall report.

857 [Pause.]

858 *The Clerk. Chair Guthrie, on that vote we have 27 ayes
859 and 0 nays.

860 *Mr. Guthrie. With 27 ayes and 0 nays, the bill, as
861 amended, will be reported to the full committee.

862 Now the chair will make the subcommittee aware we have a
863 vote on the floor. We will recess and return right after the
864 final vote on the floor, and we have three bills before us to
865 move forward on.

866 Thank you. The committee is in recess.

867 [Recess.]

868 *Mr. Guthrie. The committee will come back to order.

869 The chair calls up H.R. 485, and asks the clerk to
870 report.

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

871 *The Clerk. H.R. 485, a bill to amend title 11 of the
872 Social Security Act to prohibit the use of quality-adjusted
873 life years, and similar measures in coverage and payment
874 determinations under Federal health care programs. The
875 enacting --

876 *Mr. Guthrie. Without objection, the first reading of
877 the bill is dispensed with, and the bill will be open for any
878 -- for amendment at any point.

879 So ordered.

880 [The bill follows:]

881

882 *****COMMITTEE INSERT*****

883

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884 *Mr. Guthrie. Does anyone seek to be recognized on the
885 bill?

886 For what purpose does the gentlelady seek recognition?

887 *The Chair. I have a -- strike the last word.

888 *Mr. Guthrie. The gentlelady is recognized for five
889 minutes.

890 *The Chair. Thank you, Mr. Chairman. I have an
891 amendment at the desk.

892 *Mr. Guthrie. The clerk shall report.

893 *The Chair. It is a --

894 *Mr. Guthrie. Report the amendment.

895 *The Chair. It is a substitute amendment.

896 *The Clerk. Amendment in the nature of a substitute to
897 H.R. 485, offered by Mrs. Rodgers. Strike all after the
898 enacting clause, and insert the following.

899 *Mr. Guthrie. Without objection, the reading of the
900 amendment is dispensed with.

901 [The amendment of The Chair follows:]

902

903 *****COMMITTEE INSERT*****

904

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905 *Mr. Guthrie. And the gentlelady is recognized for five
906 minutes in support of her amendment.

907 *The Chair. Thank you, Mr. Chairman. Preventing
908 discrimination against people with disabilities should be a
909 non-partisan issue, and I am grateful that we are taking
910 action today to ban the use of quality-adjusted life years,
911 or QALYs, and other discriminatory coverage practices that
912 devalue the needs of people with disabilities in Federal
913 health programs like Medicare and Medicaid.

914 QALYs represent a methodology that can be utilized by a
915 health care payer, whether it is Medicare or Medicaid or any
916 other insurer, to put a value on the life of a patient in
917 order to decide how much their life is worth, and if a
918 certain treatment is cost effective to help that person. In
919 short, QALYs put a government bureaucracy in charge to
920 determine if your life is worth living.

921 Measurements like QALYs remove the consideration of
922 unique circumstances and health conditions of a patient and
923 their doctor's judgment from deciding what is best for the
924 patient. Instead, QALYs aggregate the quality and quantity
925 of individual lives, without regards to the relative value

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926 that a treatment or intervention may bring.

927 What is worse is that QALYs discriminate against people
928 with disabilities and the elderly by discounting the value of
929 a patient's life, just because of the disabilities they may
930 live with after a course of treatment, or that they might not
931 be projected to live as long as others have -- as long as
932 others after treatment.

933 Every life has value and meaning, and we should not be
934 letting the Federal Government and health insurers continue
935 to devalue people like this. Some have asked why we need the
936 bill, since QALYs can sound merely theoretical. They rely on
937 mathematical equations, and are hard to imagine in the
938 abstract.

939 So here is what this bill will do. Today, if you have a
940 disease like Duchenne Muscular Dystrophy, your Medicaid plan
941 can decide on your behalf or your doctor's behalf that the
942 progression of the disease is too advanced to be worth paying
943 for treatments. So maybe just because your child is in a
944 wheelchair, they may not get the treatment that could extend
945 their life. That is unacceptable.

946 We heard testimony from Ms. Kandi Pickard from the

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947 National Down Syndrome Society that these measures devalue
948 the lives of people with disabilities. Kandi, a mom whose
949 son, Mason, has Down Syndrome, emphasized that QALYs
950 ultimately, in a rare -- in a real and not merely abstract
951 sense, restrict access and coverage to necessary health care
952 treatments because certain lives just aren't deemed worthy of
953 the cost of treatment.

954 And to those concerned that this gives a blank check to
955 the health care industry, that is not the case. There are
956 other measures of cost effectiveness that don't discriminate
957 against those with disabilities.

958 This substitute amendment maintains the goal and the
959 intent of the introduced bill, but reflects comments from HHS
960 to make implementation clearer, and ensure that Federal
961 agencies like the Center for Medicare and Medicaid Innovation
962 are held accountable, and cannot waive this important
963 protection.

964 I am hopeful that we can get bipartisan support for this
965 legislation today, and I urge everyone on the committee to
966 vote yes on this amendment and on the underlying bill.

967 I yield back.

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968 *Mr. Guthrie. The gentlelady yields back. Anyone
969 seeking recognition for discussion of the amendment?

970 The gentlelady from California is recognized for five --
971 for what purpose does the gentlelady from California seek --

972 *Ms. Eshoo. To strike the last word, Mr. Chairman.

973 *The Chair. The gentlelady is recognized for five
974 minutes.

975 *Ms. Eshoo. Thank you, and to speak on Chairwoman
976 Rodgers's amendment to H.R. 485.

977 Colleagues, at the heart of this bill and the amendment
978 is the use of quality-adjusted life years, which is a cost
979 effectiveness metric that inherently devalues the lives of
980 people with a disability. For more than 20 years, disability
981 rights advocates have opposed the use of quality-adjusted
982 life years, or QALYs.

983 To address this concern, Democrats included a ban on
984 QALYs in Medicare in the Affordable Care Act in 2010. Last
985 year Democrats further qualified -- clarified that quality --
986 that QALYs could not be used as part of Medicare's
987 prescription drug price negotiations in the Inflation
988 Reduction Act. I am thrilled that we are extremely close to

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989 bipartisan agreement on a bill that extends the Affordable
990 Care Act's ban on QALYs to also include Medicaid, the
991 Children's Health Insurance Program, and Medicare's
992 demonstration authority.

993 I thank Chairwoman Rodgers, Chairman Guthrie, and
994 Ranking Member Pallone, and their staffs for their hard work
995 on this bill. It has been hard work, but it is worth it.
996 There is a bit more work needed to fully vet and agree to
997 this proposed language. I think we are nearly there. And I
998 look forward to voting for a bipartisan amendment when the
999 full committee convenes at our next markup.

1000 If we can get this done on a bipartisan basis, we will
1001 have a bill that can pass the House, the Senate, and be
1002 signed into law by the President. And this will fulfill a
1003 20-year goal of the disability community, and take a clear
1004 stand against discrimination. So let's get this thing done.

1005 On a final note, I think it is especially poignant that
1006 we are making this important progress for disability rights
1007 on the day of Judy Heumann's funeral. She was New York
1008 City's first teacher in a wheelchair, and spent decades,
1009 really all of her life, fighting discrimination against

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1010 disabled people. And her legacy continues to today. I think
1011 she is watching from heaven, and applauding very hard.

1012 So I thank you, Mr. Chairman, Chairwoman Rodgers, and
1013 again, Ranking Member Pallone for the hard work that has been
1014 put into this. It really is worth it.

1015 And with that, I yield back the balance of my time.

1016 *Mr. Guthrie. Thank you. The gentlelady yields back,
1017 and the chair recognizes himself for five minutes to strike
1018 the last word.

1019 I strongly support H.R. 485, the Protecting Health Care
1020 for All Patients Act, introduced by the leader of the full
1021 committee, Chair Rodgers. I know this legislation is
1022 especially important to Chair Rodgers and the entire
1023 disability community, and for good reason. H.R. 435 (sic)
1024 would permanently ban the use of quality of life-adjusted, or
1025 QALYs, years -- and similar measures under the Federal care
1026 program.

1027 The Institute of Clinical and Economic Review, or ICER,
1028 defines QALYs as the academic standard for measuring how well
1029 all different kinds of medical treatments lengthen or improve
1030 patients' lives. ICER's website justifies the application of

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1031 QALYs by specifically stating that failing to consider the
1032 cost of such treatments without knowing how effective they
1033 are drives up costs and reduces access to patients. To
1034 directly quote part of the website, it states, "True
1035 discrimination against people with disabilities continues in
1036 this country, and happens every day when people can't afford
1037 or access the care they need.'"

1038 ICER and other aligned organizations may purport to care
1039 about access to care, but the reality is the application of
1040 such standards inherently means less access to care for
1041 thousands of Americans. In fact, these policies aren't meant
1042 to promote greater access to care; they are exclusively meant
1043 to contain health care spending at the expense of our most
1044 vulnerable populations.

1045 The National Council on Disability agrees. In a 2019
1046 report published by the independent government agency
1047 responsible for providing recommendations to policy-makers on
1048 policies that would improve the quality of life for
1049 Americans, the agency states, "Nonetheless, in an effort to
1050 lower the health care costs, public and private health
1051 insurance providers have utilized the quality-adjusted life

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1052 years to determine the quality effectiveness of medications
1053 and treatment.'" NCD further states, "QALYs placed a lower
1054 value on treatments which extend the lives of people with
1055 chronic illness and disabilities.'"

1056 In addition, quality-based programs have been found to
1057 violate the Americans with Disabilities Act. This
1058 legislation is about ensuring we are honoring the principles
1059 of basic human dignity. Individuals with disabilities,
1060 chronic conditions, and others to whom QALYs or similar
1061 measures may discriminate deserve the chance to choose which
1062 treatments they access without a Washington bureaucrat or an
1063 academic with no clinical experience making the decision for
1064 them.

1065 No one deserves to have a price put on their life. An
1066 individual with disabilities or with chronic conditions, life
1067 is worth living, just as much as any other person, period.

1068 And so, to my colleagues that expressed concerns about
1069 the specific language of this bill, while being clear they do
1070 not support discrimination of any kind at last month's
1071 hearing, I believe we have found a solution to your concerns
1072 in the proposed amendment. If you care about supporting the

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1073 needs of our most vulnerable, we will get this language in
1074 the next amendment, and we will support this bill.

1075 I urge my colleagues to support the legislation, and I
1076 yield back.

1077 Anyone seeking further recognition on the amendment?

1078 The gentleman from New Jersey is recognized. For what
1079 purpose does the gentleman from New Jersey seek recognition?

1080 *Mr. Pallone. I move to strike the last word and speak
1081 on the ANS.

1082 *Mr. Guthrie. The gentleman is recognized.

1083 *Mr. Pallone. Thank you, Mr. Chairman. I want to thank
1084 the Chairwoman Rodgers for working with us to address many of
1085 the concerns we had about this bill.

1086 The text of the ANS is a substantial improvement over
1087 the underlying bill. While we are still working through the
1088 technical assistance from the Department of Health and Human
1089 Services, I am hopeful that we will be able to resolve any
1090 outstanding issues.

1091 We can all agree that it is wrong to treat one life as
1092 more or less valuable than another life, and that is why we
1093 made sure to include language in the Inflation Reduction Act

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1094 that prohibits the Secretary from treating extending the life
1095 of a disabled, elderly, or chronically individual as less
1096 valuable than extending the life of a non-disabled, younger,
1097 or non-chronically-ill individual. The ANS before us
1098 reiterates this protection, and reinforces our commitment to
1099 these principles.

1100 However, based on technical feedback from the Department
1101 of Health and Human Services, I am concerned that the text of
1102 the ANS could still be read as being more broad than what the
1103 majority intends. It is important to clarify that the ANS is
1104 not intended to create a brand new requirement in Medicare,
1105 but rather to clarify the scope of the existing requirements.
1106 And this technical assistance from HHS hopefully provides
1107 some help. And I believe it is important to incorporate to
1108 ensure that this bill is not interpreted more broadly than
1109 the majority intends.

1110 I hope that, before the full committee markup, we can
1111 make sure that that -- that these changes are adopted, and I
1112 want to thank the chairwoman for her willingness to work with
1113 us on this bill. I understand her passion for this issue,
1114 and I look forward to continuing to work with her on

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1115 expanding access to health care for individuals with
1116 disabilities.

1117 And that -- with that, Mr. Chairman, I yield back.

1118 *Mr. Guthrie. The gentleman yields back. Anyone
1119 seeking recognition on the bill?

1120 Mr. -- the gentleman from Texas, for what purpose do you
1121 seek recognition?

1122 *Mr. Burgess. I move to strike the last word to speak
1123 on the --

1124 *Mr. Guthrie. The gentleman is recognized for five
1125 minutes.

1126 *Mr. Burgess. Thank you, Mr. Chairman. I am in support
1127 of the amendment, and in support of the underlying bill, H.R.
1128 485.

1129 I am grateful to Chair Rodgers for introducing this
1130 bill; Chairman Smith over on Ways and Means; my friend from
1131 Ohio, Dr. Wenstrup. This bill aims to preserve access to
1132 lifesaving cures, and prevent discrimination against
1133 Americans with disabilities.

1134 So I practiced medicine for over 30 years. During that
1135 time I treated each patient as a human being, not just a

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1136 diagnosis. The quality-adjusted life year measurements seem
1137 inherently cruel, and inhibit a doctor's ability to care for
1138 and treat all patients with dignity. From the physician's
1139 perspective, I believe that the government should never,
1140 never have the ability to decide or determine the value of a
1141 life, or approve or deny care.

1142 The political aspect and the history of the quality-
1143 adjusted life year concept is itself quite interesting.
1144 Often times these metrics are employed by countries that have
1145 a government-controlled health care system as a way to
1146 devalue treatment for those with chronic conditions or
1147 disabilities. This concept has been pushed by some socialist
1148 health care advocates for years.

1149 Dr. Ezekiel Emanuel was a key health figure in the Obama
1150 Administration, and often advocated for the use of quality-
1151 adjusted life year metrics. In a published Lancet article,
1152 Dr. Emanuel argues that a complete live system could be used
1153 to access care in which adolescents and young adults receive
1154 priority. The article reflects the viewpoint that
1155 consideration of the importance of complete lives also
1156 supports modifying the youngest-first principle by

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1157 prioritizing adolescents and young adults over infants. He
1158 authored a piece in Atlantic several years ago with the title
1159 "Why I Hope to Die at 75.'" His opinion demonstrates that
1160 value of life is a mindset characterized by the sense of
1161 value that comes from the productivity a person contributes,
1162 as well as physical or mental limitations.

1163 Here is the bottom line: It is not the government's
1164 place to determine that a life is worth living with a chronic
1165 condition or disability. This is why we need to prohibit the
1166 use of quality-adjusted life years in all Federal programs,
1167 and ensure that all human life has inherent value.

1168 And I thank the Chair for bringing this amendment
1169 forward, and look forward to supporting the amendment and the
1170 underlying bill, and then I will --

1171 *Mr. Bucshon. Will the gentleman yield?

1172 *Mr. Burgess. Yes, I will be happy to yield.

1173 *Mr. Bucshon. It is Bucshon, down here. Yes, I just
1174 want to back up everything Mr. Burgess -- Dr. Burgess just
1175 said.

1176 As a provider, everyone is a human being, and should be
1177 treated with respect and dignity. And I support the ANS and

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1178 the underlying bill strongly, and I suggest its passage.

1179 I yield back.

1180 *Mr. Burgess. And I will yield back.

1181 *Mr. Guthrie. The gentleman yields back. Is anyone
1182 seeking recognition?

1183 The gentlelady from Michigan, for what purpose do you
1184 seek recognition?

1185 *Mrs. Dingell. Mr. Chairman, I move to strike the last
1186 word.

1187 *Mr. Guthrie. The gentlelady is recognized for five
1188 minutes.

1189 *Mrs. Dingell. Thank you, Mr. Chairman, and I want to
1190 thank you and the ranking member and the full committee chair
1191 and the ranking member of the full committee for all of the
1192 work on this, because it is a very serious issue for both the
1193 senior community and the disability community.

1194 Protecting Americans living with disabilities is
1195 something that is deeply important to me. I was honored when
1196 Jim Langevin asked me to take over as co-chair of the House
1197 Disability Caucus. And as you all know, I lived with John
1198 Dingell, who you all knew and loved the last four years, and

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1199 witnessed too many things firsthand.

1200 We know QALYs are a discriminatory metric that unjustly
1201 devalues the lives of aging Americans and those living with
1202 disabilities. And that is why we did include language in the
1203 IRA to prohibit the use of these discriminatory metrics.

1204 But we must also ensure this bill meets its goals of
1205 prohibiting the use of quality -- of QALYs, while keeping
1206 drug costs low for all Americans. It is my hope we can all
1207 continue working together to review and incorporate the
1208 technical feedback from the Department of Health and Human
1209 Services to ensure this is done in the best way prior to a
1210 full committee markup.

1211 Americans living with disabilities deserve our full
1212 support, and I look forward to continuing our important work
1213 to uplift the lives of all.

1214 Thank you, Mr. Chair, and I will yield back.

1215 *Mr. Guthrie. The gentlelady yields back. Anyone
1216 seeking recognition?

1217 The gentleman from Georgia, for what purpose do you seek
1218 recognition?

1219 *Mr. Carter. Mr. Chairman, I move to strike the last

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1220 word.

1221 *Mr. Guthrie. The gentleman is recognized for five
1222 minutes.

1223 *Mr. Carter. Mr. Chairman, I am glad to join my
1224 colleagues in supporting the Protecting Health Care for All
1225 Patients Act. As my colleagues have pointed out, this
1226 legislation would permanently ban the use of quality-adjusted
1227 life years in all publicly-funded health care programs like
1228 Medicare and Medicaid.

1229 Quality-adjusted life year measurements put a dollar
1230 value on a person's life, often devaluing the lives of those
1231 with chronic illnesses and disabilities. In countries with
1232 these measurements, people with chronic illnesses and
1233 disabilities like ALS, Down Syndrome get pushed to the back
1234 of the line for treatment. The government says their lives
1235 don't matter, they aren't valuable enough.

1236 Well, we are here today to say that all human life has
1237 inherent value, and should be treated as such. As a
1238 pharmacist for four decades, I treated each patient that
1239 walked into my pharmacy as a human being, not just as a
1240 diagnosis or a dollar sign. I believe it is vitally

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1241 important that our health care system values all lives, and
1242 ensures that every person is treated with dignity. That is
1243 why it is long overdue for Congress to take the necessary
1244 step of banning quality-adjusted life year measurements.
1245 Patients should not be denied coverage because their path to
1246 care is more complicated than others.

1247 I urge all of my colleagues on this subcommittee to
1248 protect people with disabilities with the Protecting Health
1249 Care for All Patients Act.

1250 Thank you, Mr. Chairman, and I yield back.

1251 *Mr. Guthrie. The gentleman yields back. Anyone
1252 seeking recognition for discussion of the amendment?

1253 If there is no further discussion, the vote occurs on
1254 the amendment in the nature of a substitute.

1255 All those in favor shall signify by saying aye.

1256 All opposed, nay.

1257 The ayes have it, and the amendment is agreed to.

1258 The question now occurs on forwarding H.R. 485, as
1259 amended, to the full committee.

1260 All those in favor, say aye.

1261 All opposed, say no.

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1262 The ayes have it, and the bill is agreed to.

1263 *The Chair. A recorded vote?

1264 *Mr. Guthrie. No, no recorded vote.

1265 *The Chair. Oh, yes, that is right, we are not. Sorry,
1266 thank you.

1267 *Mr. Guthrie. The gentlelady -- okay, no recorded vote.
1268 Okay, good. Thank you.

1269 So next the chair calls up H.R. 801, and asks the clerk
1270 to report.

1271 *The Clerk. H.R. 801, a bill to amend title 3 of the
1272 Public Health Service Act to provide for suspension of
1273 entries and imports from designated countries to prevent the
1274 spread of communicable diseases and import into the United
1275 States of certain controlled substances be enacted by the
1276 Senate and House of Representatives of the United States of
1277 America and Congress assembled. Section 1, short title.
1278 This act may be cited --

1279 *Mr. Guthrie. Without objection, the first reading of
1280 the bill is dispensed with, and the bill will be open for
1281 amendment at any point.

1282 So ordered.

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1283 [The bill follows:]

1284

1285 *****COMMITTEE INSERT*****

1286

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1287 *Mr. Guthrie. Does anyone seek to be recognized on the
1288 bill?

1289 For what purpose does the lady from Iowa seek to be
1290 recognized?

1291 *Mrs. Miller-Meeks. Mr. Chairman, I move to strike the
1292 last word.

1293 *Mr. Guthrie. The gentlelady is recognized.

1294 *Mrs. Miller-Meeks. Thank you, Mr. Chairman. I speak
1295 in support of H.R. 801, and I thank you for recognizing me in
1296 bringing up this critical piece of legislation.

1297 While the COVID-19 pandemic is over, we are experiencing
1298 a deadly, illicit drug crisis that pervades our nation,
1299 largely through our southern border. The CDC estimates that
1300 over 100,000 Americans died from drug overdoses between
1301 August 2021 and August 2022, 70,000 of which resulted from
1302 fentanyl or its analogues.

1303 The Biden Administration admits that the fentanyl
1304 killing Americans enters our country primarily through the
1305 U.S.-Mexico border, but also ignores the border crisis and
1306 its impact on Americans all across the nation.

1307 If there is any doubt that the fentanyl or opioid crisis

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1308 is an epidemic, let me say that the CDC has repeatedly called
1309 the fentanyl crisis an epidemic, citing the number of drug
1310 overdose deaths has more than quintupled in the last 24
1311 years. This largely comprises vast increases in opioid and
1312 synthetic opioid-involved deaths, which has also been
1313 highlighted by news outlets such as The Washington Post, CNN,
1314 and Fox.

1315 The critical piece of legislation, which I am proud to
1316 be leading with Congresswoman Lesko, expands title 42 to
1317 allow for the immediate expulsion of illegal immigrants due
1318 to public health risks posed by the exorbitant amount of
1319 illicit drugs crossing the border.

1320 I look forward to the bill moving through committee and
1321 all -- urge all my colleagues to vote yes. Thank you, and
1322 I --

1323 *Mr. Guthrie. Will the gentlelady yield? Will the
1324 gentlelady yield?

1325 *Mrs. Miller-Meeks. Yes.

1326 *Mr. Guthrie. I thank the gentlelady for yielding, and
1327 I strongly support H.R. 801, the Securing the Border for
1328 Public Health Act, which would expand title 42 authority to

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1329 help stop the flow of illicit drugs such as fentanyl-related
1330 substances from entering the United States.

1331 Currently, section 265 of U.S. Code 42 only applies to
1332 any communicable disease that would pose a danger to the U.S.
1333 -- to U.S. citizens. Under this authority, the Secretary can
1334 suspend entry of persons and property coming from designated
1335 countries in the interest of public health. Representative
1336 Lesko's bill would expand the authority to certain controlled
1337 substances such as narcotics, opiates, and fentanyl-related
1338 substances to ensure illicit drugs aren't flooding our
1339 streets, and effectively turning every state into a border
1340 state.

1341 In October 2017, President Trump declared the opioid
1342 epidemic a public health emergency. Since that time, opioid
1343 overdoses have continued to climb significantly, reaching
1344 107,000 deaths in 2021; 71,000 of these overdoses are due to
1345 synthetic opioids such as fentanyl.

1346 Simultaneously, we have also seen a record number of
1347 illegal border crossings and illicit drug seizures at our
1348 southern border, especially illicit fentanyl. In fiscal year
1349 2021, Customs and Border Patrol seized over 10,000 pounds of

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1350 illicit fentanyl at our southern border. That number jumped
1351 over 14,000 pounds in fiscal year 2022. In the first four
1352 months of this fiscal year, Customs and Border Patrol have
1353 already seized over 8,000 pounds.

1354 H.R. 801 is an important step towards preventing the
1355 increasing supply of illicit drugs in the U.S. in our
1356 communities, and strengthening our overall public health
1357 security.

1358 To be clear, this isn't a silver bullet to ending drug
1359 overdose epidemic once and for all. We need to couple
1360 efforts such as with efforts to address both growing demand
1361 of these drugs, and strengthen access to treatment and
1362 recovery support programs. I look forward to working with my
1363 colleagues on the committee to do just that through the
1364 reauthorization of the SUPPORT Act later this year.

1365 I urge my colleagues to support this bill, and I will
1366 yield back to the gentlelady from Iowa.

1367 *Mrs. Miller-Meeks. Thank you for your comments, Mr.
1368 Chair, and I think you are very appropriate in saying this
1369 is, number one, a crisis, it has been identified as a public
1370 health emergency, it has been identified as an epidemic.

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1371 Words matter, and we know that this is also a multi-faceted
1372 endeavor that we have to undertake. And this is only one
1373 small step into treating the record numbers of overdoses and
1374 drug addiction in this country. I yield back.

1375 *Mr. Guthrie. The gentlelady yields back. Anyone
1376 seeking recognition?

1377 For what purpose does the gentleman from New Jersey seek
1378 recognition?

1379 *Mr. Pallone. To strike the last word and speak on the
1380 bill.

1381 *Mr. Guthrie. The gentleman is recognized for five
1382 minutes.

1383 *Mr. Pallone. Thank you, Mr. Chairman. I move to
1384 strike the last word.

1385 As I noted in my opening statement, this bill has not
1386 had a hearing in the Health Subcommittee, and Commerce
1387 Committee Republicans decided to move this legislation
1388 straight to markup. And that is unfortunate, especially
1389 given the vast and detrimental implications of this policy.
1390 It would have been very beneficial to hear from public health
1391 officials and stakeholders on how this policy conflicts with

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1392 the legal right to seek asylum in our country. A legislative
1393 hearing would have also allowed subcommittee members to
1394 better understand our law enforcement agency's role in
1395 protecting against the entry of controlled substances into
1396 the U.S., not our public health agencies.

1397 Right now, under section 362 of the Public Health
1398 Service Act, the Federal Government may suspend the right to
1399 introduce persons or property into the U.S. if there is a
1400 serious danger of the introduction of a communicable disease
1401 into the nation. We know that these authorities have been
1402 utilized by both the Trump and Biden Administrations to
1403 respond to COVID-19.

1404 However, this bill would expand the public health
1405 authority to prohibit the entry of people into the U.S.,
1406 including those seeking legal asylum protections, should the
1407 Secretary of Health and Human Services determine there is a
1408 danger of the introduction of certain controlled substances
1409 into the nation. This policy completely rewrites the title
1410 42 authorities within our public health laws by massively
1411 expanding the ability for the Federal Government to deny the
1412 entry of persons or property into the U.S. in a way that

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1413 circumvents the original intent of the law.

1414 This authority should not and cannot substitute for our
1415 nation's immigration policy, or be used to unfairly and
1416 inhumanely block entry into the country. Unfortunately, it
1417 appears the intent of this bill is to do just that by vastly
1418 expanding the Secretary's authority. And this policy could
1419 easily be used to close our nation's borders to entrance of
1420 any country that an administration may not support, based on
1421 an overbroad and vague determination that there is a serious
1422 danger of certain controlled substances entering the U.S.
1423 from that country. This would also mean, as long as any
1424 drugs are being smuggled into the U.S. from anywhere, our
1425 borders could be shut down indefinitely.

1426 Now, how a Secretary may make this determination is
1427 unclear to me, and nearly unilateral. He or she would only
1428 be required to consult with the attorney general before
1429 instituting this sweeping policy.

1430 It also appears that this bill would allow the Secretary
1431 to shut down legal ports of entry by denying property from
1432 entering the United States from countries he or she
1433 determines are a serious danger. Now, this could block entry

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1434 of all kinds of goods into the United States, potentially
1435 crippling our trading capabilities, our international supply
1436 chain for goods Americans rely upon every day.

1437 And given that the Secretary vastly -- these new
1438 authorities would not only dictate immigration policy, but
1439 also trade, a power that I think could be easily abused. So
1440 my Republican colleagues, who often rely on the expansion of
1441 executive power, have no problem with the vast expansion of
1442 executive authority represented by this bill. Apparently,
1443 when it serves their political goal, then the ideological
1444 consistency gets thrown to the side.

1445 So while I share the majority's interest and commitment
1446 to solving our nation's fentanyl crisis and better
1447 controlling the entry of illicit substances into the United
1448 States, the public health provisions under title 42 were
1449 drafted to protect our country from the spread of
1450 communicable diseases, not to create partisan and misguided
1451 immigration policy under the guise of drug control.

1452 Our public health agencies are not immigration or drug
1453 control experts. They are public health experts. As HHS
1454 noted in the technical assistance they provided on this bill

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1455 -- and I quote -- "Federal law enforcement agencies outside
1456 of HHS have in place mechanisms to detect and divert
1457 controlled substances entering the United States.'" HHS also
1458 noted that the committee should consider -- and I quote --
1459 "whether they would be better suited to implement the
1460 proposed authority.'"

1461 I have strong concerns, Mr. Chairman, with this bill,
1462 and I believe the policy is misguided. We should be working
1463 together to create a fair and just immigration system, and
1464 ensuring that our law enforcement agencies have appropriate
1465 capabilities to detect and divert controlled substances.
1466 However, this is not the role of Health and Human Services,
1467 CDC, or other public health agencies. And for this reason, I
1468 oppose the bill and I urge my colleagues to oppose it, as
1469 well.

1470 And I yield back, Mr. Chairman.

1471 *Mr. Guthrie. The gentleman yields back. Is anyone
1472 seeking recognition?

1473 The gentlelady from California is recognized.

1474 *Ms. Eshoo. Thank you, Mr. Chairman. I move to strike
1475 the last word on H.R. 801.

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1476 Colleagues, I think that this bill is jaw-dropping,
1477 because it vastly expands title 42 authorities. In this
1478 Congress the majority has prioritized votes to end the public
1479 health emergencies. And now we are voting to expand the
1480 CDC's emergency powers for reasons that have nothing to do
1481 with communicable disease. We have heard endless complaints
1482 from our Republican colleagues that public health agencies
1483 have too much power over our daily lives. Now this bill
1484 gives the HHS Secretary unchecked authority over drug
1485 enforcement, immigration, and trade decisions. That is what
1486 it does.

1487 I don't want the HHS Secretary to have these powers. I
1488 think that this is just bad policy.

1489 The legislation attempts to flow the fentanyl -- the
1490 flow of fentanyl and its analogues by prohibiting immigration
1491 and trade from countries that illegally traffic drugs into
1492 the United States. However, more than 86 percent of those
1493 convicted of trafficking fentanyl are U.S. citizens driving
1494 cars and commercial vehicles through legal ports of entry.

1495 And high demand -- and this is really shameful and
1496 horrible, attached to our country, that we have such high

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1497 demand from U.S. citizens that drives the drug trade. If
1498 Americans didn't use illegal drugs, there wouldn't be a
1499 market to illegally distribute them.

1500 The massive expansion of executive authority under this
1501 legislation would do little to stop the movement of fentanyl
1502 across the border or decrease the demand for illicit
1503 substances.

1504 Yes, we are in the midst of the most devastating drug
1505 epidemic in U.S. history, but this bill doesn't present
1506 solutions. And for all the reasons that I have outlined in
1507 my comments, I don't think that H01 (sic) should be coming
1508 out of our subcommittee, going to the full committee. And
1509 that is -- I have stated my reasons for opposing it, and I
1510 hope other colleagues will, as well.

1511 With that, Mr. Chairman, thank you, and I yield back.

1512 *Mr. Guthrie. The gentlelady yields back. Is anyone
1513 else seeking recognition on the bill?

1514 Seeing no one else -- oh, Mr. Cardenas, from -- the
1515 gentleman from California, for what purpose do you seek
1516 recognition?

1517 *Mr. Cardenas. To strike the last word, Mr. Chairman.

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1518 *Mr. Guthrie. The gentleman is recognized for five
1519 minutes.

1520 *Mr. Cardenas. Thank you very much, Mr. Chairman.
1521 Before I give my remarks I want to say how much I enjoy being
1522 on this committee, and at times find it a pleasure and a joy
1523 to work on both -- with my colleagues on both sides of the
1524 aisle.

1525 But at this moment, I am just so, so upset. This bill
1526 before us, Securing the Border for Public Health Act of 2023,
1527 the title itself sounds very good, but the bill itself is
1528 very bad, and it is shameful that my colleagues across the
1529 aisle are using this hearing to bring up a bill that has not
1530 gone through regular order, a bill that blatantly attacks
1531 immigrant communities. Unfortunately, I am not surprised.

1532 Why are you driven to use immigrants as scapegoats for
1533 an issue that you all refuse to seriously address? Because
1534 this bill does not seriously address anything to save
1535 American lives. This bill would dramatically widen the scope
1536 of title 42, which is a public health measure intended for
1537 contagious diseases. But that is apparently not enough. Now
1538 my colleagues on the other side of the aisle want to

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1539 discriminate against immigrants with even greater impunity.

1540 Title 42 is already being stretched to its very limits.

1541 It has been a Trojan horse, and I want my Republican

1542 colleagues to know that everybody sees what is going on. We

1543 see you. We see how you are hiding behind a public health

1544 crisis to advance a xenophobic agenda. And not only will it

1545 spell life and death for some immigrants, it is also a

1546 distraction that will ultimately harm the American people who

1547 are suffering from addiction and need our real help, our real

1548 legislation.

1549 Title 42 has negatively impacted our asylum system,

1550 denying the right to a fair process for refugees who are

1551 often fleeing for their lives. This policy has been

1552 especially cruel to individuals in the LGBTQ community,

1553 children, and indigenous people from around the world. All

1554 of this in order to point the finger at immigrants for our

1555 American opioid crisis, even though my colleagues know that

1556 the majority of fentanyl brought into our country is done by

1557 Americans who bring it to our country.

1558 And to that end, Mr. Chairman, I request unanimous

1559 consent to submit a Cato Institute article entitled,

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1560 "Fentanyl is Smuggled for U.S. Citizens by U.S. Citizens, Not
1561 Asylum Seekers.'" I would like to ask unanimous consent to
1562 submit it for the record.

1563 *Mr. Guthrie. Without objection, so ordered.

1564 [The information follows:]

1565

1566 *****COMMITTEE INSERT*****

1567

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1568 *Mr. Cardenas. Thank you, Mr. Chairman. By turning to
1569 title 42 into a weapon, you are giving yourselves an excuse
1570 to turn away anyone you deem undesirable by the mere virtue
1571 of where they are fleeing from. Simply put, this is not what
1572 our great nation values.

1573 I urge my colleagues to unanimously reject this bill.
1574 The United States derives great strength from its immigrants.
1575 It is a positive part of who we are as a nation, and always
1576 has been. Our country has always opened its arms to people
1577 who seek a better life. And I will continue to ensure that
1578 American lives right here in America are -- continue to have
1579 that promise, and those good people who choose to come here
1580 and contribute to our great nation continue to have that
1581 opportunity by the laws, both international and domestic,
1582 that we have afforded and said that we portend to be.

1583 And with that, Mr. Chair, I yield back.

1584 *Mr. Guthrie. The gentleman yields back. Is anyone
1585 seeking recognition for further discussion?

1586 Seeing none, the question now occurs on forwarding H.R.
1587 801 to the full committee. A roll call has been requested,
1588 so all -- when the clerk calls the roll, if you favor it say

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1589 aye, if you oppose, say no. The clerk shall call the roll.

1590 *The Clerk. Guthrie?

1591 *Mr. Guthrie. Aye.

1592 *The Clerk. Guthrie votes aye.

1593 Burgess?

1594 *Mr. Burgess. Votes aye.

1595 *The Clerk. Burgess votes aye.

1596 Latta?

1597 *Mr. Latta. Aye.

1598 *The Clerk. Latta votes aye.

1599 Griffith?

1600 [No response.]

1601 *The Clerk. Bilirakis?

1602 *Mr. Bilirakis. Aye.

1603 *The Clerk. Bilirakis votes aye.

1604 Johnson?

1605 [No response.]

1606 *The Clerk. Bucshon?

1607 *Mr. Bucshon. Aye.

1608 *The Clerk. Bucshon votes aye.

1609 Hudson?

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1610 [No response.]
1611 *The Clerk. Carter?
1612 *Mr. Carter. Aye.
1613 *The Clerk. Carter votes aye.
1614 Dunn?
1615 [No response.]
1616 *The Clerk. Pence?
1617 *Mr. Pence. Aye.
1618 *The Clerk. Pence votes aye.
1619 Crenshaw?
1620 *Mr. Crenshaw. Aye.
1621 *The Clerk. Crenshaw votes aye.
1622 Joyce?
1623 *Mr. Joyce. Aye.
1624 *The Clerk. Joyce votes aye.
1625 Harshbarger?
1626 *Mrs. Harshbarger. Aye.
1627 *The Clerk. Harshbarger votes aye.
1628 Miller-Meeks?
1629 *Mrs. Miller-Meeks. Aye.
1630 *The Clerk. Miller-Meeks votes aye.

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1631 Obernolte?

1632 *Mr. Obernolte. Aye.

1633 *The Clerk. Obernolte votes aye.

1634 Rodgers?

1635 [No response.]

1636 *The Clerk. Eshoo?

1637 *Ms. Eshoo. Aye.

1638 *The Clerk. Eshoo votes aye.

1639 *Mr. Guthrie. Madam Chair -- Eshoo, you are recognized.

1640 *The Clerk. Eshoo votes aye.

1641 *Mr. Guthrie. How does Ms. Eshoo vote?

1642 *The Clerk. Ms. Eshoo is recorded as aye.

1643 Ms. Eshoo is off aye, on no.

1644 *Mr. Guthrie. Oh, [inaudible] I am sorry.

1645 *The Clerk. Sarbanes?

1646 *Mr. Sarbanes. No.

1647 *The Clerk. Sarbanes votes no.

1648 Cardenas?

1649 *Mr. Cardenas. No.

1650 *The Clerk. Cardenas votes no.

1651 Ruiz?

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1652 *Mr. Ruiz. No.
1653 *The Clerk. Ruiz votes no.
1654 Dingell?
1655 *Mrs. Dingell. [Inaudible.]
1656 *The Clerk. Dingell votes no.
1657 Kuster?
1658 *Ms. Kuster. No.
1659 *The Clerk. Kuster votes no.
1660 Kelly?
1661 *Ms. Kelly. No.
1662 *The Clerk. Kelly votes no.
1663 Barragan?
1664 *Ms. Barragan. No.
1665 *The Clerk. Barragan votes no.
1666 Blunt Rochester?
1667 [No response.]
1668 *The Clerk. Craig?
1669 *Ms. Craig. No.
1670 *The Clerk. Craig votes no.
1671 Schrier?
1672 [No response.]

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1673 *The Clerk. Trahan?
1674 [No response.]
1675 *The Clerk. Pallone?
1676 *Mr. Pallone. No.
1677 *The Clerk. Pallone votes no.
1678 *Mr. Guthrie. Who is not recorded?
1679 Mrs. Rodgers?
1680 *The Clerk. Mrs. Rodgers is not recorded.
1681 *Mrs. Rodgers. Mrs. Rodgers votes aye.
1682 *The Clerk. Rodgers votes aye.
1683 *Mr. Guthrie. Mr. Griffith?
1684 *Mr. Johnson. How is Johnson recorded?
1685 *The Clerk. Griffith is not recorded.
1686 *Mr. Griffith. Griffith votes aye.
1687 *The Clerk. Griffith votes aye.
1688 *Mr. Guthrie. Mr. Johnson?
1689 *The Clerk. Johnson is not recorded.
1690 *Mr. Johnson. Aye.
1691 *The Clerk. Johnson votes aye.
1692 *Mr. Guthrie. Mr. Hudson?
1693 *The Clerk. Hudson is not recorded.

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1694 *Mr. Hudson. Aye.

1695 *The Clerk. Hudson votes aye.

1696 *Mr. Guthrie. Anyone on this side? Ms. Blunt

1697 Rochester?

1698 *The Clerk. Blunt Rochester is not recorded.

1699 *Mr. Guthrie. Ms. --

1700 *Ms. Blunt Rochester. [Inaudible.]

1701 *The Clerk. Blunt Rochester votes no.

1702 *Mr. Guthrie. Mrs. Trahan?

1703 *Mrs. Trahan. How is --

1704 *The Clerk. Trahan is not recorded.

1705 *Mrs. Trahan. Trahan votes no.

1706 *The Clerk. Trahan votes no.

1707 *Mr. Guthrie. Is Mr. Dunn recorded?

1708 *The Clerk. Mr. Dunn is not recorded.

1709 *Mr. Dunn. Aye.

1710 *The Clerk. Dunn votes aye.

1711 *Mr. Guthrie. Anyone else needing to record -- seeking

1712 to record a vote?

1713 Seeing none, the clerk will report.

1714 [Pause.]

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1715 *The Clerk. Chair Guthrie, on that vote there were 17
1716 ayes and 12 nays.

1717 *Mr. Guthrie. With 17 ayes and 12 nays, the ayes have
1718 it, the bill is agreed to.

1719 The chair calls up H.R. 467, and asks the clerk to
1720 report.

1721 *The Clerk. H.R. 467, a bill to amend the Controlled
1722 Substances Act with respect to the scheduling of fentanyl-
1723 related substances, and for other purposes.

1724 *Mr. Guthrie. Without objection, the first reading of
1725 the bill is dispensed with, and the bill will be open for
1726 amendment at any point.

1727 So ordered.

1728 [The bill follows:]

1729

1730 *****COMMITTEE INSERT*****

1731

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1732 *Mr. Guthrie. Does anyone seek recognition on the bill?

1733 For what purpose does the gentleman from Ohio seek
1734 recognition?

1735 *Mr. Latta. Mr. Chairman, to strike the last word.

1736 *Mr. Guthrie. The gentleman is recognized for five
1737 minutes.

1738 *Mr. Latta. Thank you, Mr. Chairman. Ten cents is all
1739 it costs for drug cartels to manufacture one fentanyl-laced
1740 fake prescription pill that will kill one American. How much
1741 longer will we kick this can down the road until we can
1742 permanently schedule fentanyl and fentanyl-related substances
1743 as schedule I?

1744 This isn't about criminal justice reform. It is about
1745 justice for victims. We are simply holding criminals
1746 accountable, and giving justice to their victims.

1747 The argument of mandatory minimums is null and void when
1748 you are killing Americans, no matter how large or small the
1749 quantity of drugs. Let me be clear. If you are
1750 intentionally lacing fentanyl into illicit narcotics, you are
1751 committing murder, and should be held accountable.

1752 Listen to these stunning statistics. There is a lethal

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1753 fentanyl poisoning almost every 9 minutes in the United
1754 States, killing, on average, 175 people a day. This results
1755 in almost twice as many deaths in the 18 to 45 age range as
1756 COVID-19, cancer, car accidents, and suicide. Sixty-four
1757 thousand lives were stolen by fentanyl between April 2020 and
1758 April 2021. While we still don't have the final statistics
1759 for the following year, we are expecting them to be just as
1760 high, if not higher.

1761 This fentanyl crisis has simply spiraled out of control.
1762 It is poisoning our communities, claiming lives, and forcing
1763 families to grieve the loss of their loved ones. It is long
1764 past time that Congress acts and gives a voice to the
1765 voiceless. How many more lives will be lost before Congress
1766 finally addresses this weapon of mass destruction?

1767 For these reasons, I, along with my good friend, the
1768 gentleman from Virginia's 9th congressional district,
1769 introduced H.R. 467, the HALT Fentanyl Act. This bill would
1770 permanently place fentanyl and fentanyl-related substances as
1771 a schedule I narcotic, while enabling researchers to continue
1772 studying schedule I substances for the purpose of identifying
1773 potential medical benefits.

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1774 This should not be a political issue. It is about
1775 addressing the largest poisoning of Americans in the history
1776 of our country, and taking steps to end the scourge. I
1777 encourage my colleagues to support the bill.

1778 And Mr. Chairman, I thank you and I yield back the
1779 balance of my time.

1780 *Mr. Guthrie. Does the gentleman yield?

1781 *Mr. Latta. I yield to the --

1782 *Mr. Guthrie. Thank you. I strongly support H.R. 467,
1783 the HALT Act.

1784 This legislation, led by Rep. Griffith --
1785 Representatives Griffith and Latta, has been introduced in
1786 the past two congresses, and would permanently place
1787 fentanyl-related substances into schedule I of the Controlled
1788 Substances Act.

1789 There are misleading claims that permanently extending
1790 the temporary scheduling of fentanyl-related substances is a
1791 "failed experiment," on the basis that overdose and
1792 incarceration rates have increased since Congress originally
1793 passed the temporary scheduling order. This argument not
1794 only fails to recognize the very real pain and suffering

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1795 thousands of families across the country have felt from
1796 losing a loved one to fentanyl poisoning, but it also
1797 completely misses the mark on why we permanently schedule
1798 fentanyl-related substances -- is needed.

1799 The point is you can't die from ingesting something that
1800 -- never created, nor can you be incarcerated for selling
1801 something that doesn't exist. This is a direct quote from
1802 Dr. Westlake's testimony from a legislative hearing on the
1803 bill.

1804 In fact, a 2021 report from the Government
1805 Accountability Office provides evidence to support this
1806 argument. GAO's report that -- notes that, between 2018 and
1807 2019, when the Trump Administration's 2-year emergency
1808 schedule order was in effect, DEA records indicate that
1809 encounters with fentanyl-related substance dropped to 787,
1810 down from 7,058 during 2016 and 2017, before the order was in
1811 effect. The report even states that DEA and other law
1812 enforcement officials in the class-wide scheduling of
1813 fentanyl-related substances "reduces incentives for criminal
1814 organizations to manufacture and traffic these substances to
1815 circumvent law enforcement," and that "such scheduling has

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1816 helped reduce the number of reports of law enforcement
1817 encounters with fentanyl-related substances.''

1818 Additionally, DEA told just a month -- last month that
1819 permanently scheduling fentanyl-related substances is their
1820 number-one legislative priority.

1821 President Biden even acknowledged the severity of the
1822 illicit fentanyl crisis. In the State of the Union speech,
1823 the President cites record numbers of illicit fentanyl
1824 seizures at the southwest border and said, "Let's launch a
1825 major surge to stop fentanyl production and the sale of --
1826 and the trafficking,'" and calls for "strong penalties to
1827 crack down on fentanyl trafficking.''

1828 H.R. 467 is one of the many important solutions that
1829 would achieve both of these goals.

1830 I thank Representatives Griffith and Latta for their
1831 leadership on this issue. I strongly urge my friends across
1832 the aisle and the Biden Administration to support this
1833 legislation to keep this poison off our streets, and help
1834 save precious lives.

1835 I yield back to the gentleman from Ohio.

1836 *Mr. Latta. I yield back the rest of my time.

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1837 *Mr. Guthrie. The gentleman yields back the balance of
1838 his time. Any members seeking -- the gentleman from New
1839 Jersey, for what purpose do you seek recognition?

1840 *Mr. Pallone. To strike the last word and speak in
1841 opposition to the HALT Fentanyl Act.

1842 *Mr. Guthrie. The gentleman from New Jersey is
1843 recognized.

1844 *Mr. Pallone. Thank you. Mr. Chairman, in a moment I
1845 plan to introduce an amendment that will substitute the text
1846 of the HALT Fentanyl Act with the SAFE Act, a bipartisan bill
1847 that reflects the Biden Administration's comprehensive
1848 approach to address fentanyl-related substances.

1849 If Republicans are serious about legislating in this
1850 space, they should understand that any viable proposal must
1851 have bipartisan support. Last Congress this subcommittee
1852 held a hearing to discuss the Administration's interagency
1853 proposal, which is an agreement between DoJ, HHS, DEA, NIH,
1854 FDA, and ONDCP, and the Administration's proposal does the
1855 following.

1856 First, it recommends a permanent extension of the
1857 existing classified scheduling order for FRS.

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1858 Second, it expedites research for all schedule I
1859 substances.

1860 Third, it creates an off-ramp to ensure that substances
1861 that are not harmful or have potential medical applications
1862 are not improperly classified.

1863 And fourth, it reforms mandatory minimum standards
1864 involving FRS, unless an offense results in serious bodily
1865 injury or death.

1866 And then, fifth, it enables individuals convicted of an
1867 offense involving an FRS that is subsequently removed or
1868 rescheduled to seek reduced or vacated sentences.

1869 Now, I think we should all agree that no one should be
1870 in jail for a substance that poses no threat to public health
1871 and safety.

1872 Shortly after the December 2021 hearing, our Republican
1873 colleagues introduced the HALT Fentanyl Act, which
1874 permanently schedules FRS. It also takes the
1875 Administration's recommendations and updates to research
1876 registration procedures for research with all schedule I
1877 substances. But then, since then, Republicans have refused
1878 to work with us on any of the remaining provisions

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1879 recommended by the Biden Administration.

1880 And it is important to note that Congress has voted to
1881 extend the temporary classified schedule of FRS multiple
1882 times. We did so again in the fiscal year 2023 omnibus,
1883 which most of my Republican colleagues voted against. And
1884 the temporary scheduling order now expires in December of
1885 2024.

1886 So I believe strongly that it is important to keep
1887 fentanyl and FRS strictly regulated while these substances
1888 continue to pose a threat to public health, and are involved
1889 in a significant number of overdose deaths. However,
1890 permanent scheduling based on chemical structure alone is
1891 unprecedented. Similar class-wide scheduling structures for
1892 cannabinoids and anabolic steroids required an analysis of
1893 chemical structure and pharmacological effect. That means we
1894 look at the drug's effects on the human body, not just its
1895 chemical structure.

1896 And the Administration took the unprecedented step of
1897 recommending permanent classified scheduling because of the
1898 magnitude of the current wave of the opioid crisis. But the
1899 Federal agencies landed on a compromise that included the

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1900 off-ramp, because they understood that chemical structure
1901 alone does not determine the pharmacological effect of a
1902 substance.

1903 I strongly believe that these guardrails are necessary
1904 to ensure that preemptively scheduling a class of substances
1905 does not impede scientific discovery.

1906 The reforms to mandatory minimums are also critically
1907 important to ensure that we are not exacerbating existing
1908 inequities in the criminal justice system, an issue that me
1909 and many of my colleagues on the Democratic side feel very
1910 strongly about. And I am again disappointed that Republicans
1911 continue to choose partnership -- or I should say
1912 partisanship -- over compromise.

1913 These are not major differences of policy, in my
1914 opinion. And I believe, if Republicans were willing to work
1915 with us, rather than make fentanyl a political issue, we
1916 could solve this problem. We have come together in this
1917 committee to address many important and pressing issues last
1918 Congress, and so I urge my Republican colleagues to try to do
1919 the same here.

1920 The fentanyl and synthetic opioid crisis affects all of

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1921 our communities. We have to work together to promote
1922 policies that take evidence-based public health approaches.

1923 And with that, I thank you, Mr. Chairman, and I yield
1924 back.

1925 *Mr. Guthrie. The gentleman yields back. Is anyone
1926 seeking recognition?

1927 The gentleman from Virginia, for what purpose do you
1928 seek recognition?

1929 *Mr. Griffith. To speak to the bill.

1930 *Mr. Guthrie. The gentleman is recognized for five
1931 minutes.

1932 *Mr. Griffith. Thank you, Mr. Chairman, and I
1933 appreciate it very much.

1934 Let me say first thank you to my co-captain on this
1935 bill, Mr. Latta of Ohio. He has done great work. You heard
1936 his comments earlier.

1937 And this is a very important bill. And there are
1938 actually major differences in our philosophy. And part of it
1939 is, I think, a misunderstanding of what the bill is trying to
1940 do. So let me address some of the misunderstandings, if I
1941 might.

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1942 One, we hear from outside groups -- and I appreciate I
1943 haven't heard it here today -- but we hear from outside
1944 groups that this bill does not allow for research. Well,
1945 read the bill. It does allow for research. It has got a
1946 whole research component. There are ways to do the research.

1947 The dilemma we have when we had the testimony was there
1948 are tens of thousands of potential analogues. We have
1949 studied roughly 30 to 40 of those analogues already. Many of
1950 them -- in fact, I would submit, most of them -- are
1951 dangerous opioid derivatives, or opioid-like substances that
1952 mimic fentanyl. But this doesn't stop you from doing the
1953 research. And that was something that we felt very strongly
1954 needed to continue to happen, because there might be one of
1955 those tens of thousands of analogues that might have some
1956 benefit. I think it is unlikely, but it is theoretically
1957 possible. So we wanted to make sure we had that research,
1958 and we didn't impede or restrict our research institutions.

1959 So then let's get to the major difference, and that is
1960 the mandatory minimums. Now, I understand my colleagues
1961 being against mandatory minimums. There are legitimate and
1962 serious concerns that our society needs to address with

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1963 mandatory minimums. The problem is trying to deal with it as
1964 an offshoot, or as a part of this bill is not the proper
1965 place to deal with that issue.

1966 Let me explain why. Because, indirectly -- and I would
1967 never accuse any of my colleagues on the other side of trying
1968 to reward clever drug dealers. But unfortunately, that is
1969 what this amendment does. Because if you are facing a
1970 mandatory minimum for fentanyl, and you can change the
1971 chemical construct just a slight little bit into one of those
1972 tens of thousands of potential analogues, which we cannot
1973 keep track of, and they have the resources, because it is how
1974 they make their profit, to do whatever they need to do to get
1975 around the law, all of a sudden, even if it is illegal, it
1976 doesn't have a mandatory minimum, as the fentanyl would have.
1977 So you are indirectly, inadvertently -- and, I believe,
1978 without intent to do so -- rewarding clever drug dealers,
1979 clever cartel chemists, clever people working on the base
1980 ingredients in other parts of the world. And so, for that
1981 reason, I have to oppose the amendment and be in support of
1982 the bill.

1983 I think this bill is long overdue. It covers all the

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1984 real concerns like research, which -- I want there to be
1985 research, because I think for too many years we have had
1986 situations with cannabis where we didn't allow the research,
1987 and now we have got all kinds of states making it legal, the
1988 Federal Government is not taking action to defend the Federal
1989 law, and it is just -- the legal scheme there is just a mess.
1990 And a big part of it is we really don't know what we are
1991 doing, because we haven't done the research for 50, 70 years.
1992 So I want the research to continue, because maybe there is
1993 something out there that we don't know today. The research
1994 will tell us. So I think that is extremely important.

1995 But I do think that this is something that needs to be
1996 done. We need to send a clear message. And what is
1997 interesting is, even though we have continued the temporary,
1998 and we have to keep going through this debate, it ought to be
1999 permanent because the research component is there -- but
2000 because of that we have also heard testimony that the
2001 attempts to get around the law have dramatically dropped, and
2002 that they are not cooking up a different, slightly different
2003 chemical formula to get around the law.

2004 I submit if we adopt an amendment that says we are going

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2005 to put in -- we are going to take away the mandatory minimums
2006 just on the analogues, just on the fentanyl-related
2007 substances, you will see that clever drug dealer once again
2008 trying to get around the law, and they will successfully do
2009 so, and they will go into court and argue for a minor
2010 sentence instead of a mandatory sentence, which they
2011 currently face, and we will have rewarded the bad actors for
2012 even worse acts than what they are doing today by giving them
2013 a loophole to run through.

2014 And as a former criminal defense attorney, I can tell
2015 you there is lots of clever lawyers who have figured out that
2016 that is the problem, and they will advise their clients
2017 accordingly.

2018 I yield back.

2019 *Mr. Guthrie. The gentleman yields back. Is anyone
2020 else seeking recognition?

2021 Anyone seeking recognition?

2022 Mr. Crenshaw, the gentleman from Texas, for what purpose
2023 do you seek recognition?

2024 *Mr. Crenshaw. Thank you, Mr. Chairman, I move to
2025 strike the last word.

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2026 *Mr. Guthrie. The gentleman is recognized for five
2027 minutes.

2028 *Mr. Crenshaw. All right, I want to get right to the
2029 point. The illicit fentanyl epidemic is not receiving the
2030 attention it needs. That is what this bill is about.

2031 In my own home county, fentanyl kills at least one
2032 person every day, and I am pretty taken aback by, I think,
2033 the casual tone some of my colleagues have taken about this
2034 crisis. Just earlier it was stated that, if it weren't for
2035 demand, well then, drugs -- if it weren't for demand for
2036 drugs, then this wouldn't be a problem. So, I mean, what
2037 does that make this, the victims' fault?

2038 You know, God forbid we actually take the fight to the
2039 dealers and the cartels who lace street drugs with deadly
2040 fentanyl, and kill teenagers who thought they were taking a
2041 Xanax or an Adderall. Is it the dead teenagers' fault, not
2042 the dealers, not the cartels? Is there really no
2043 consideration of the fact that the supply creates the demand
2044 here? Because it does.

2045 One of my colleagues just stated that it is not the
2046 cartels killing Americans, it is Americans trafficking

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2047 fentanyl and killing Americans. That statement was not only
2048 false and deceptive, but kind of horrific. And I hope the
2049 families of tens of thousands of young people poisoned by
2050 fentanyl are listening to this hearing, so they could hear
2051 all that.

2052 I have heard that this bill could inadvertently punish
2053 someone who has "harmless analogues of fentanyl.'" I mean,
2054 what kind of person are we talking about? What scenario are
2055 we imagining there? It is an absurd idea.

2056 This bill is simple, and it should easily be bipartisan.

2057

2058 It is about deterrence. Criminal penalties can have a
2059 meaningful impact on criminal behavior. As of 2021, a report
2060 from GAO asserted -- reviewed law enforcement officials, and
2061 found that class-wide scheduling had reduced the incentives
2062 to make new and existing fentanyl substances. Schedule I
2063 classification simply allows prosecutors to pursue the
2064 appropriate penalty for the crime, and sends a clear message
2065 to drug traffickers and cartels that we mean business.

2066 The U.S. Sentencing Commission data for fiscal year 2021
2067 released last year shows that the average sentence for

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2068 fentanyl trafficking was just over 4 years. Four years. So
2069 that is less than some people get for robbery. Does that
2070 seem right, given that 70,000 people-plus are murdered every
2071 year because of this, given the purposeful poisoning in our
2072 communities, given the scourge that it is inflicting on our
2073 country? Is four years really enough to punish those
2074 facilitating this crisis?

2075 Law enforcement needs the legal tools to prosecute the
2076 manufacturing, distribution, and sale of fentanyl. And any
2077 uncertainty about the penalties for these crimes will only
2078 embolden them. The cartels and their Chinese suppliers are
2079 purposely facilitating this crisis to destabilize our country
2080 and harm our citizens.

2081 Inaction on the part of Congress would be a glaring
2082 dereliction of duty, and I ask all members of this committee
2083 to support this common-sense policy in a bipartisan way.

2084 And with that, I yield --

2085 *Mr. Pallone. Would the gentleman yield? Would the
2086 gentleman yield before he yields back?

2087 *Mr. Crenshaw. I will yield. Yes, sir.

2088 *Mr. Pallone. I want to assure you that, you know, our

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2089 side of the aisle is taking this very seriously. And I
2090 believe the President is doing so, as well. As Mr. Griffiths
2091 said, the President's proposal does have permanent extension
2092 of the existing class-wide scheduling order. And that is --
2093 as you know, we have kicked this down the road, and we are
2094 basically saying, no, we are not kicking it down the road
2095 again, we are going to make this permanent. And the research
2096 is also in the bill -- in the President's proposal.

2097 I think that all we are really saying is that, you know,
2098 I don't know if you agree with me, but I just feel that
2099 mandatory sentencing has created a lot of problems over the
2100 years. And, you know, I don't even really -- I think that
2101 mandatory sentencing is generally not a good idea, because
2102 the judge can hear the case and decide on the penalty or the
2103 jury, depending on the circumstances.

2104 And all we are really saying with that aspect of it is
2105 that it shouldn't be mandatory, unless there is serious
2106 bodily injury or death. It doesn't mean that the judge can't
2107 impose a very serious offense. It is just that the
2108 Administration's policy provides some safeguards, you know,
2109 like saying -- the off-ramp to ensure that substances that

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2110 are not harmful or have potential medical applications are
2111 not improperly classified. And there are other things of
2112 that nature.

2113 I mean, I really think that, if we wanted to get this
2114 done, you know -- dare I mention the Senate? But if we want
2115 to get this done, you know, doing -- coming a little further
2116 along with the Administration's policy -- and this bill also
2117 has adopted some of that -- is more likely to result in
2118 something that passes the Senate and that the President
2119 signs, rather than keep meeting this deadline where we have
2120 to kick the can down the road. I think --

2121 *Mr. Crenshaw. And I understand. May I reclaim my
2122 time? Because I don't have --

2123 *Mr. Pallone. Yes, of course.

2124 *Mr. Crenshaw. -- much time to respond. And I
2125 appreciate your thoughts, and I appreciate where your heart
2126 is at, and, of course, we disagree on the matter.

2127 I think Mr. Griffith made a very compelling case as to
2128 how trying to anticipate thousands of different analogues
2129 will be an ineffective strategy. We are not dealing with a
2130 normal drug here. We are dealing with a poisoning of 70-plus

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2131 thousand Americans. It is murder at this point. That is
2132 where we are coming from, I think most Americans agree with
2133 that. And I think not passing this out of the House and
2134 getting the President to sign it, I think, would be a
2135 dereliction of duty on the part of our government.

2136 And I -- with that, I yield back.

2137 *Mr. Guthrie. The gentleman yields back. Is anyone
2138 seeking recognition, discussion?

2139 Anyone on -- we had Mr. Bilirakis. For what purpose
2140 does the gentleman from Florida seek recognition?

2141 *Mr. Bilirakis. To speak to the bill, and I would like
2142 to strike --

2143 *Mr. Guthrie. The gentleman is recognized for five
2144 minutes.

2145 *Mr. Bilirakis. Thank you.

2146 The headlines in the news in January and February around
2147 fentanyl are disheartening, and include many headlines of
2148 toddlers, adolescents, and young adults that have died
2149 already in 2023 of fentanyl poisoning. I am saddened that
2150 the overdose epidemic continues to get worse across our
2151 nation, and we move -- and as we move forward, we must

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2152 embrace a collaborative approach. We must work together to
2153 continue to address this epidemic, and we must do more to
2154 reduce the supply of fentanyl substances in our country. The
2155 HALT Fentanyl Act will do just that.

2156 We held roundtables, Mr. Chairman, hearings about how
2157 bad this problem is, and we are overdue. We must address
2158 this, and it must be a permanent scheduling of illicit
2159 fentanyl-related substances. It is time for action. This is
2160 a far-reaching problem with deadly consequences. All states
2161 are now border states, as we work to address the amounts of
2162 fentanyl compounds that are flooding in from China and India
2163 into Mexico, and then across the southern border.

2164 This drug has created a public health crisis of massive
2165 proportions. Currently, fentanyl overdose is the leading
2166 cause of death in the nation for individuals ages 18 to 45.
2167 The Biden Administration's lax approach is neither productive
2168 nor effective. My home state of Florida is suffering as a
2169 result, surpassing the alarmingly high fentanyl overdose
2170 rates.

2171 Now have been -- again, I now have been very proud to be
2172 part of this particular subcommittee, and we have worked in a

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2173 bipartisan fashion. Again, we have completed great work to
2174 address both mental health and substance use disorder. We
2175 must -- and I say again, we must -- again come together to
2176 address the influx of fentanyl within the illicit drug
2177 market. I know Republicans on this committee are prepared to
2178 take action by passing the Halt All Lethal Trafficking of
2179 Fentanyl Act as soon as possible, and I hope our Democratic
2180 colleagues will take this solution seriously, and join us in
2181 this effort.

2182 Time is of the essence, folks. We have got to do it.
2183 People are dying. Our kids are dying. We can't take it any
2184 longer. I know people in my community, where the children
2185 have passed away and, again, they are deciding to go out for
2186 an evening, and they think they are taking a recreational
2187 drug. They shouldn't be doing that, but they don't deserve
2188 to die. And that is exactly what is happening, because it is
2189 being laced with fentanyl. And it is very unfortunate, and
2190 we must act now.

2191 I want to thank again Mr. Latta and Mr. Griffith for
2192 their efforts to move this forward. There is no time to
2193 waste. The time is now to act to protect American people

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2194 from the threat that fentanyl poses. We must stop the
2195 creation and spread of new fentanyl-related substances.

2196 Please, ladies and gentleman, let's work in a bipartisan
2197 fashion, but let's get this done. We can't dilly dally
2198 around anymore. The research is in this particular bill.
2199 Let's vote down the amendment, and pass this bill as soon as
2200 possible, as soon as possible, get it to the full committee
2201 and to the Senate, on the President's desk. Time is of the
2202 essence. People are dying. Our children are being poisoned.
2203 That should be enough.

2204 Thank you very much, and I yield back the balance of my
2205 time.

2206 *Mr. Guthrie. The gentleman yields back. Is anyone
2207 seeking recognition?

2208 The gentlelady from California, for what purpose do you
2209 seek recognition?

2210 *Ms. Eshoo. To strike the last word, Mr. Chairman.

2211 *Mr. Guthrie. The gentlelady is recognized for five
2212 minutes.

2213 *Ms. Eshoo. I thank the chairman. What I am so struck
2214 by are two things that I want to point out.

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2215 Number one, we are unanimous in decrying what is taking
2216 place in our country, the number of deaths and the
2217 destruction that that has brought across every single
2218 congressional district in the country. We all agree, and
2219 everyone is saying the same thing, repeating it over and over
2220 and over again. So we are unanimous in understanding the
2221 horrors of the poison that pills are laced with.

2222 What I am really struck by is that this legislation
2223 makes permanent the status quo. It makes permanent the
2224 status quo. I don't know if it has dawned on anyone, but it
2225 makes permanent the status quo.

2226 So where's the solution? In our hearing, there were,
2227 what, nine percent of those that are stricken, that need help
2228 with their addiction, only nine percent, and we had testimony
2229 from the witnesses only nine percent of Americans can get any
2230 help on this. This bill doesn't change that.

2231 So, you know, where there is a disagreement -- and it
2232 has been acknowledged -- is on the mandatory minimum
2233 sentences. But I don't think anyone can walk out of here
2234 today and claim that they have done something with the
2235 cartels against them, against these murderers. You are right

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2236 when you call them murderers, we all agree about that. We
2237 are decrying it, but there isn't anything in this bill that
2238 addresses the very things that we are talking about.

2239 So if it makes you feel better to codify the status quo,
2240 say that, say we are making it permanent, because that is
2241 what this bill does. There isn't anything in this that does
2242 anything with the cartels, against them, that puts a stop to
2243 the horrors that we have all decried with great legitimacy.

2244 With that, I yield back the balance of my time.

2245 *Mr. Guthrie. Would you yield?

2246 *Ms. Eshoo. I would be glad to.

2247 *Mr. Guthrie. I just -- the status quo, if you
2248 remember, we had the testimony from the physician from
2249 Wisconsin that said we have a horrible problem with fentanyl
2250 that is coming into our country. But there haven't been
2251 creations of new fentanyl analogues since this has been put
2252 into place.

2253 So we have -- absolutely, we are all going to work
2254 together -- we talked about -- I know we are going to work
2255 together on the SUPPORT Act. We have already talked about --

2256 *Ms. Eshoo. Well, reclaiming my time --

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2257 *Mr. Guthrie. I just wanted to point out --

2258 *Ms. Eshoo. Reclaiming my time, this bill makes
2259 permanent the status quo.

2260 I yield back the balance of my time.

2261 *Mr. Guthrie. The gentlelady yields back. The -- Mr.
2262 Dunn, Dr. -- Mr. Dunn, you seek recognition?

2263 *Mr. Dunn. Thank you, Mr. Chair. I move to strike the
2264 last word.

2265 *Mr. Guthrie. The gentleman is recognized.

2266 *Mr. Dunn. I would like to associate myself with the
2267 remarks of my colleagues regarding the seriousness and the
2268 immediate danger posed by fentanyl-related substances. I am
2269 pleased to see this important piece of legislation considered
2270 before our committee, and I hope it advances favorably and
2271 quickly.

2272 Each and every one of us has links to fentanyl crisis.
2273 Every one of our districts has been touched. We must enact
2274 policy that will help get this poison -- and I emphasize that
2275 term, poison, not drugs, poison -- off our street, keep it
2276 away from our children. My sheriffs, all of them, 19, they
2277 are all begging us to schedule this drug as a schedule I.

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2278 This bill is common sense. It is already the law of the
2279 land in most of the world. It is the right thing to do. And
2280 I hope to see all of my colleagues supporting it today.

2281 With that, I yield back.

2282 *Mr. Guthrie. Would you yield, would the gentleman
2283 yield?

2284 *Mr. Dunn. Yes, I will.

2285 *Mr. Guthrie. I thank the gentleman for yielding.

2286 Let me say there is a reason that the DEA has this as
2287 one of their top priorities, and that is because this policy
2288 will work. We have seen a shift since we went with the
2289 temporary program. We have seen a shift from the drug
2290 cartels and their allies trying to come up with new chemical
2291 formulas that would get around the law to just doing the
2292 fentanyl, which doesn't sound like that is a good thing, but
2293 it is a very good thing that we have shut it down. We have
2294 narrowed the scope that our folks in law enforcement have to
2295 be ready to face, instead of facing hundreds or thousands of
2296 potential analogues that they have to test at the various
2297 laboratories, or even in the street. They now have one
2298 substance that they can focus on. That is a help. That is

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2299 why the DEA wants this bill to pass.

2300 Further, let me state this very clearly. If all you are
2301 looking at is the scheduling of the analogues or, once
2302 amended, fentanyl-related substances, then you might say,
2303 well, that is status quo. You could make that argument,
2304 although it is not permanent currently, so we are changing
2305 the status quo to make it permanent. But further, the whole
2306 research component, the detailed information on what you can
2307 do to research, what is impacted, what is not impacted, et
2308 cetera, is all brand new in this bill. That is not status
2309 quo, and it is something I think our researchers want across
2310 the board, so they can continue to study this powerful set of
2311 substances to see if there is something positive. I think it
2312 is going to be hard for them to do that. But, you know, this
2313 is why you study these things.

2314 And I like to see research being done, and this bill
2315 creates and breaks the status quo on getting the research
2316 done. It may be why some of the outside groups have said
2317 that this doesn't have the research, because right now they
2318 are not being able to do the research. And if they are being
2319 told this bill is status quo, no wonder they think that,

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2320 because it is not status quo.

2321 So I would hope that folks would realize when they go to
2322 vote on this, it does a lot of good things, and it breaks the
2323 current status quo on research, and it makes permanent the
2324 current status quo, which has stopped the bad guys from
2325 trying to find ways to get around the law. They realize they
2326 are just going to have to deal with the law the way it is.

2327 *Mr. Pallone. Would the gentleman yield?

2328 *Mr. Guthrie. I actually have to yield back to Mr.
2329 Dunn. He has control of the time.

2330 *Mr. Dunn. And I will further yield the time, yes.

2331 *Mr. Pallone. Oh, to me?

2332 *Mr. Guthrie. You are going to yield to Mr. Pallone?

2333 *Mr. Pallone. I am sorry.

2334 *Mr. Dunn. Yes.

2335 *Mr. Pallone. I just wanted to say, look, I don't think
2336 I disagree with you on the research. I mean, as we said, the
2337 Administration's policy says we want to do the research, and
2338 we want to make permanent the class-wide scheduling.

2339 I think the problem, though -- and this is where I agree
2340 with everything Ms. Eshoo said -- is that, look, even with

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2341 the changes you said, the overdose crisis is getting worse,
2342 more and more problems, more and more people dying. So she
2343 is right when she says that, you know, unless you do more and
2344 -- which -- I put words in her mouth, but unless you do maybe
2345 more for enforcement, or you do more for treatment, or you do
2346 more for education, it is not likely that just having a
2347 permanent extension or doing the research is going to
2348 decrease the crisis.

2349 But all I am saying is that why don't we just go along -
2350 - and we sort of already did my amendment, although I guess
2351 it may come up next -- why don't we just go along with what
2352 the Administration is doing, because I don't -- suggesting --
2353 because I don't think you really disagree with us that much?
2354 And at least that gives us a better chance of having this
2355 bill move, so we don't just kick the can down the road.

2356 But thank you, and I yield back to the gentleman.

2357 *Mr. Dunn. I yield back my time, Mr. Chairman.

2358 *Mr. Guthrie. The gentleman yields back. Is anyone
2359 seeking recognition?

2360 The -- does the gentleman from Florida seek recognition?

2361 The gentleman from -- I am just going to -- the

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2362 gentleman from Pennsylvania.

2363 *Mr. Joyce. Mr. Chairman, I move to strike the last
2364 word in support of the act.

2365 *Mr. Guthrie. The gentleman is recognized.

2366 *Mr. Joyce. Thank you, Mr. Chairman, and I would like
2367 to thank both Chairman Griffith and Chairman Latta for all
2368 their work in getting this crucial bill before us today for
2369 consideration by the subcommittee.

2370 Stopping the scourge of illicit fentanyl substances and
2371 the tragic impact that they have on our nation, and
2372 specifically on my community in Pennsylvania's 13th
2373 congressional district is incredibly important.

2374 We have heard it. We have heard it in this room.
2375 Earlier this year we heard incredibly powerful testimony from
2376 two of my constituents, Ray and Deb Cullen, who tragically
2377 lost their son to fentanyl poisoning. Their loss, and those
2378 that have felt this across our nation underscores how
2379 critical it is that we act today to permanently schedule
2380 fentanyl-related substances class-wide.

2381 In 2022 alone the DEA seized almost 379 million deadly
2382 doses of fentanyl, which is more than enough to kill every

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2383 single man, woman, and child in the United States. And that
2384 is just what was seized. These drugs are flooding our
2385 streets, leaving destruction, pain, and, ultimately, in many
2386 cases, death in their wake. The CDC estimates that illicit
2387 fentanyl or fentanyl-related substances are responsible for
2388 the most overdose deaths in this country.

2389 I firmly believe that we must empower law enforcement
2390 with every tool that is necessary to stop those who traffic
2391 these deadly substances into our communities, and this starts
2392 with permanently scheduling these substances and giving
2393 certainty to those investigating and prosecuting
2394 transnational gangs and traffickers that are dispensing these
2395 deadly drugs into our community and poisoning our friends,
2396 our neighbors, and children throughout America.

2397 I strongly urge the passage of this legislation, and I
2398 yield the balance of my time.

2399 *Mr. Guthrie. The gentleman yields back. Is anyone
2400 seeking recognition?

2401 The chair -- for what purpose does the gentleman from
2402 North Carolina seek recognition?

2403 *Mr. Hudson. To strike the last word.

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2404 *Mr. Guthrie. The gentleman is recognized for five
2405 minutes.

2406 *Mr. Hudson. Thank you, Chairman, and I am proud of our
2407 committee for addressing this issue. It has affected
2408 millions of Americans.

2409 In North Carolina alone, fentanyl has claimed the lives
2410 of more than 4,200 people just last year. Many of these were
2411 young people who had no idea the substance they were using
2412 was laced with deadly fentanyl. This includes people like
2413 Matthew Thomas from Sanford, who lost his life after an
2414 accidental exposure in 2020. I was inspired when I met
2415 Matthew's mother, Wendy, who has turned her loss into
2416 advocacy to warn parents and students about the dangers of
2417 fentanyl. Her mission should be one that -- her mission is
2418 that no parent should experience the pain that she has
2419 experienced.

2420 And you know, I appreciate the words from my friend, Ms.
2421 Eshoo, when she says we need to do more than just this
2422 legislation. And I couldn't agree more. And I think one
2423 thing we can do is help spread the word to educate parents,
2424 educate students about the dangers of this poison.

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2425 Our open border policies are fueling this crisis. And I
2426 think that is another area where we need to do more. We must
2427 secure our border to stop the flow of this deadly poison.

2428 But today we have an opportunity to do something -- that
2429 is to send a message to those who profit on the lost lives of
2430 young Americans, send a message to them that we are not going
2431 to tolerate, and we are not going to allow loopholes. This
2432 is one small step in curbing this crisis, but it is a good
2433 step. It is a necessary step.

2434 And I encourage my colleagues to support this
2435 legislation. With that, Mr. Chairman, I yield back.

2436 *Mr. Guthrie. The gentleman yields back. Is anyone
2437 seeking time for purpose of discussion of the bill?

2438 The gentleman -- what is -- for what purpose does the
2439 gentleman from California seek recognition?

2440 *Mr. Obernolte. Mr. Chairman, I move to strike the last
2441 word.

2442 *Mr. Guthrie. The gentleman is recognized for five
2443 minutes.

2444 *Mr. Obernolte. Mr. Chairman, I am very proud to be a
2445 cosponsor of this bill. It solves a very serious problem in

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2446 my district.

2447 I have been in elected office 18 years now, and my worst
2448 day in office was last fall, when I had to console a
2449 constituent who lost both of her sons in the same day to
2450 fentanyl poisoning. And as a father of two boys, I can't
2451 imagine what that is like. It really, really rocked my world
2452 to have to share those emotions with that woman.

2453 This is an issue that impacts districts across the
2454 country. In my particular district, fentanyl-related deaths
2455 are up over 600 percent in the last 18 months. It is not
2456 inaccurate to describe it as an epidemic.

2457 This bill makes some common-sense reforms that will
2458 meaningfully help our law enforcement agencies and our
2459 Federal Government and state governments to deal with this
2460 problem, in particular by making permanent the rescheduling
2461 of fentanyl as a schedule I narcotic.

2462 I would hope that we can get to a bipartisan place on
2463 this bill, but it is really desperately needed to solve these
2464 problems in communities like mine, and I urge support.

2465 I yield back, Mr. Chairman.

2466 *Mr. Guthrie. The gentleman yields back. Is anyone

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2467 seeking recognition for the purpose of speaking on the bill?

2468 Anyone seeking recognition for the purpose of
2469 amendments?

2470 So for what purpose does the gentleman from New Jersey
2471 seek recognition?

2472 *Mr. Pallone. I have an amendment at the desk. It
2473 looks like SED-AMD_04 --

2474 *Mr. Guthrie. The clerk will report -- oh, I am sorry.
2475 The clerk will report the amendment.

2476 *The Clerk. Amendment to H.R. 467, offered by Mr.
2477 Pallone. Strike section --

2478 *Mr. Guthrie. Without objection, the amendment -- the
2479 reading of the amendment is dispensed with.

2480

2481

2482 [The amendment of Mr. Pallone follows:]

2483

2484 *****COMMITTEE INSERT*****

2485

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2486 *Mr. Guthrie. And the gentleman from New Jersey is
2487 recognized for five minutes in support of the amendment.

2488 *Mr. Pallone. Thank you, Mr. Chairman. I think we kind
2489 of discussed this amendment already, but the amendment before
2490 us substitutes the text of the HALT Fentanyl Act with the
2491 SAFE Act, a bipartisan bill that reflects the Biden
2492 Administration's comprehensive approach to address fentanyl-
2493 related substances.

2494 I think the Administration's proposal represents a
2495 strong interagency compromise that takes the unprecedented
2496 step of recommending permanent class-wide scheduling of FRS,
2497 and couples it with reforms for research with controlled
2498 substances and penalty requirements under the Controlled
2499 Substances Act.

2500 We all agree, from the previous statements that we all
2501 made, that it is important to provide law enforcement with
2502 the appropriate authorities and resources to hold bad actors
2503 accountable. I don't think there is any dispute on that
2504 point. However, we have been following a criminalization-
2505 first playbook for many years, and still find ourselves in
2506 another wave of the opioid crisis.

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2507 This problem did not start with fentanyl. The problem
2508 started with the saturation of legal opioids by legitimate
2509 manufacturers, distributors, and practitioners across the
2510 country. We have taken steps to regulate and control these
2511 drugs in health settings, but we have not fully addressed the
2512 health needs of those who experience substance use disorders.

2513 The HALT Act, in its current form, maintains the status
2514 quo. I think Ms. Eshoo made that quite clear. And I fear
2515 that it will not lead to Americans accessing care nor save
2516 lives. We have seen as much during the past four years of
2517 class-wide scheduling of FRS where overdose deaths have
2518 actually skyrocketed.

2519 And for these reasons, if my colleagues are serious
2520 about getting to work and getting something that can actually
2521 pass and be signed, I would urge my colleagues to consider
2522 the SAFE Act and the additional guardrails it provides, in
2523 conjunction with permanent scheduling of FRS. These
2524 provisions have bipartisan support, were agreed to by the
2525 Department of Justice and DEA, the Office of National Drug
2526 Control, the Department of Health and Human Services,
2527 including FDA and NIH.

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2528 While there are important and meaningful differences
2529 between the HALT Fentanyl Act and the SAFE Act, they are not
2530 insurmountable. If my Republican colleagues can work
2531 together with us on a bipartisan basis, we can address this
2532 issue.

2533 And we must also continue to work to examine evidence-
2534 based, bipartisan approaches to expanding access to treatment
2535 for substance use disorders, and work together to ensure that
2536 families and communities across the country are aware of the
2537 dangers associated with fentanyl and fentanyl analogues. And
2538 if we are going to make meaningful reforms, we must set
2539 aside, you know, our differences, and roll up our sleeves and
2540 get to work.

2541 Again, I don't want to keep repeating what Ms. Eshoo
2542 said, but she is absolutely right. I mean, you know, more
2543 enforcement, better education, treatment, all these things
2544 are crucial. And if all we do is, you know, permanently
2545 extend the scheduling and include the research, I don't think
2546 that we are going to really do much to change the status quo,
2547 and the problem is only going to get more severe.

2548 So because I would like to see a solution that actually

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2549 gets signed into law and passes the Senate, if that is
2550 possible, I would ask support for this amendment.

2551 And I yield back.

2552 *Mr. Guthrie. The gentleman yields back. Is there
2553 discussion of the amendment?

2554 The gentleman from -- for what purpose does the
2555 gentleman from Virginia seek recognition?

2556 *Mr. Griffith. To speak to the amendment.

2557 *Mr. Guthrie. The gentleman is recognized for five
2558 minutes.

2559 *Mr. Griffith. Mr. Chairman, I appreciate you
2560 recognizing me to speak to the amendment. I, in talking
2561 about the base bill, talked about this amendment as well,
2562 because I think it is important.

2563 There is a conflict in philosophy. What we are trying
2564 to do is to move the ball forward. It is true that this
2565 bill, in and of itself, will not stop the fentanyl crisis. I
2566 have never made that an argument. The argument is we need to
2567 make it harder on the bad guys in the cartels and their
2568 allies overseas who give them the base ingredients. We need
2569 to make it harder on them, not easier.

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2570 The bill, as it exists without the amendment, makes it
2571 harder on the bad guys. The bill with the amendment makes it
2572 easier on the bad guys. I ask the committee to make it
2573 harder on the bad guys, and vote no on the amendment.

2574 You want my time?

2575 I yield to the gentleman from Ohio.

2576 *Mr. Latta. Well, thank you very much, and I appreciate
2577 my colleague and good friend and -- on this piece of
2578 legislation.

2579 Mr. Chairman, you know, by -- again, by eliminating the
2580 mandatory minimums for the fentanyl-related substances, we
2581 are giving a win to the cartels. When you look what has been
2582 going on -- and, you know, just in this committee alone, you
2583 know, we had a DEA official in here that said this bill is
2584 their top priority, their top priority when he testified
2585 before us.

2586 And, you know, I had mentioned a little bit earlier that
2587 the DEA also mentioned that, when you think about it, that
2588 the cartels are making these pills for \$0.10 and selling them
2589 for 30, and killing Americans for a dime. We have to think
2590 about that.

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2591 We had a roundtable discussion where a sheriff said
2592 that, you know, what we are looking at here, you know, when
2593 we were talking about drug overdoses and drug poisoning, he
2594 said, "No, it is murder.'" So when, you know, somebody is
2595 putting fentanyl in these tablets, it is murder, plain and
2596 simple. And that is what the sheriff said when he testified
2597 before the roundtable.

2598 So, you know, I think it is important that we remember
2599 these things because, again, the mandatory minimums serves as
2600 that tool as a deterrent, as my friend has said, to these
2601 criminals. And that is what we are talking about. These are
2602 criminals. These are people that are intentionally putting
2603 drugs in the -- and something that they know will kill you.

2604 You know, we have had the DEA charts that we have shown
2605 around my district that has that big -- a penny, and just
2606 showing those two small flakes of fentanyl, and something --
2607 you know, when they put that in there, they know that that
2608 amount will kill you.

2609 And so we have to -- you know, if we eliminate this
2610 deterrent, we are essentially giving a green light to the
2611 criminals to keep flooding our streets and our communities

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2612 and incentivize them to keep producing that fentanyl-related
2613 substance without fear of the true consequences that they
2614 should face.

2615 And, you know, our law enforcement faces it every day
2616 when they go into any types of buildings or getting --
2617 different cars, they get in these things. And I know in my
2618 area it happened that an officer had been in a building, and
2619 the next thing that happened, they turned the air conditioner
2620 on, and some of the fentanyl that was on their clothing got
2621 floating around in the car, and they inhaled it. And
2622 fortunately, there was enough Narcan there to save that
2623 individual.

2624 And, you know, I am not one that wants to say that we
2625 want to make sure that an individual that is doing these
2626 kinds of things should not get off without the strictest
2627 penalties.

2628 So, you know, Mr. Chairman, I believe that we need to
2629 oppose this amendment. But that -- you know, what we are
2630 hearing over and over and over again, as we see the parents
2631 come before us in committee, that -- you know, how often do
2632 we have to say we are sorry? And, you know, they say, "What

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2633 are you going to do about it?' ' And when we see these drugs
2634 flowing across our border and coming into this country, that
2635 is -- it is time for this committee to act.

2636 And, Mr. Chairman, I yield back the balance of my time.

2637 *Mr. Griffith. I yield back.

2638 *Mr. Guthrie. The gentleman yields back. Did anyone --
2639 for the purpose of discussion of the amendment?

2640 The gentlelady from California, for what purpose do you
2641 seek recognition?

2642 *Ms. Eshoo. To speak to the -- in support of the
2643 amendment, Mr. Chairman.

2644 *Mr. Guthrie. The gentlelady is recognized.

2645 *Ms. Eshoo. I move to strike the last word.

2646 Mr. Chairman, thank you for recognizing me. I support
2647 Mr. Pallone's amendment because it does move the ball down
2648 the field.

2649 Neither the Republican bill that is being considered,
2650 the underlying legislation, or Mr. Pallone's amendment do
2651 everything that we are all wishing for. What I wish is for
2652 every time we tell a story about what is taking place in our
2653 district, which is beyond heartbreaking, that there would be

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2654 thousands of stories in the Congress and, therefore,
2655 magically, something would happen simply because we keep
2656 telling the same stories.

2657 Fentanyl substances have been scheduled for five years,
2658 colleagues, scheduled for five years. Over those 5 years,
2659 unfortunately, overdoses have gone up over 50 percent. That
2660 is what -- in making this permanent -- I support making it
2661 permanent, but I don't think that there is magic to making it
2662 permanent. It is not going to flip our stories, our
2663 heartbreaking, tragic stories of what is taking place in our
2664 country. So it is misleading to say to the American people
2665 that, by adopting the legislation, that this is going to go
2666 away.

2667 I wish the account of the multiplicity of stories was
2668 the magic potion. But it is not. It is not. At least this
2669 amendment has steps that it takes to help to get us to where
2670 we need to be. But your underlying bill, I don't know how
2671 you can say with a straight face to the American people that
2672 you are really addressing what these tragedies are.

2673 Also, Medicaid is the single largest payer of substance
2674 use treatment. But the front page of The New York Times

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2675 today reports that House Republicans plan to drastically cut
2676 Medicaid. That guarantees another layer of disasters for
2677 people in our country.

2678 So, you know, as -- my blood pressure has gone up over
2679 this, that we are putting in place the status quo, and
2680 promising the American people that we are addressing what is
2681 taking place. That is -- it is not the case. It simply is
2682 not the case.

2683 And I yield back.

2684 *Mr. Guthrie. The gentlelady yields back, and the chair
2685 recognizes himself for five minutes to discuss the amendment.

2686 So we talk about the status quo. So the amendment will
2687 reverse the status quo. The status quo is, temporarily,
2688 fentanyl analogues are permanently scheduled. And when this
2689 went into place, we had testimony from the physician from
2690 Wisconsin, Dr. Westlake, that the proliferation of fentanyl
2691 analogues ceased. Was we have illicit fentanyl, it is coming
2692 across the border. Look what has happened in border
2693 crossings in the last two-and-a-half years. We need to focus
2694 on that, as well.

2695 But when you are reversing the status quo, when you are

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2696 taking -- when you are unscheduling or taking away the
2697 mandatory minimums which gives incentives, which is -- or it
2698 gives a different direction to create these fentanyl
2699 analogues, and we have a member of the administration that
2700 says, well, what if they create a fentanyl analogue that is
2701 as harmless as water, I mean, what -- I mean, that wasn't
2702 even a serious statement. I was actually embarrassed for the
2703 witness that said that. And I said that in the last hearing
2704 we had. And that is because what criminal is going to be in
2705 Mexico trying to make harmless fentanyl to send to America?
2706 And it just -- it was just grasping at not permanently
2707 scheduling, making it subject to the mandatory minimums.

2708 So why would we -- we have all talked about fentanyl,
2709 and the potential of fentanyl analogues to be developed. Why
2710 would we treat fentanyl less and fentanyl analogues less than
2711 other illegal drugs throughout this country? I just don't
2712 understand why we would not. The status quo is not
2713 sufficient to solve this problem. We know that. But I don't
2714 understand why we would go backwards. I just don't
2715 understand the argument for that, whatsoever. And that is --
2716 I think that is a defense of my objection to this amendment.

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2717 I will yield back, and anyone else seeking discussion on
2718 the amendment?

2719 Seeing none, if there is no further discussion, the vote
2720 occurs on the amendment.

2721 All those in favor shall signify by saying aye.

2722 All those opposed, nay.

2723 The nays have it, and the amendment is not agreed to.

2724 If there is a request for a roll call vote -- you
2725 request a roll call vote? Is there a request for -- there is
2726 a request for a roll call vote, so the clerk will call the
2727 roll.

2728 *The Clerk. Guthrie?

2729 *Mr. Guthrie. No.

2730 *The Clerk. Guthrie votes no.

2731 Burgess?

2732 *Mr. Burgess. Votes no.

2733 *The Clerk. Burgess votes no.

2734 Latta?

2735 *Mr. Latta. No.

2736 *The Clerk. Latta votes no.

2737 Griffith?

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

2738 *Mr. Griffith. No.
2739 *The Clerk. Griffith votes no.
2740 Bilirakis?
2741 *Mr. Bilirakis. No.
2742 *The Clerk. Bilirakis votes no.
2743 Johnson?
2744 *Mr. Johnson. No.
2745 *The Clerk. Johnson votes no.
2746 Bucshon?
2747 *Mr. Bucshon. No.
2748 *The Clerk. Bucshon votes no.
2749 Hudson?
2750 *Mr. Hudson. No.
2751 *The Clerk. Hudson votes no.
2752 Carter?
2753 *Mr. Carter. No.
2754 *The Clerk. Carter votes no.
2755 Dunn?
2756 *Mr. Dunn. No.
2757 *The Clerk. Dunn votes no.
2758 Pence?

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2759 *Mr. Pence. No.
2760 *The Clerk. Pence votes no.
2761 Crenshaw?
2762 *Mr. Crenshaw. No.
2763 *The Clerk. Crenshaw votes no.
2764 Joyce?
2765 *Mr. Joyce. No.
2766 *The Clerk. Joyce votes no.
2767 Harshbarger?
2768 *Mrs. Harshbarger. No.
2769 *The Clerk. Harshbarger votes no.
2770 Miller-Meeks?
2771 *Mrs. Miller-Meeks. No.
2772 *The Clerk. Miller-Meeks votes no.
2773 Obernolte?
2774 *Mr. Obernolte. [Inaudible.]
2775 *The Clerk. Obernolte votes no.
2776 Rodgers?
2777 *The Chair. No.
2778 *The Clerk. Rodgers votes no.
2779 Eshoo?

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2780 *Ms. Eshoo. [Inaudible.]
2781 *The Clerk. Eshoo votes aye.
2782 Sarbanes?
2783 *Mr. Sarbanes. Yes.
2784 *The Clerk. Sarbanes votes aye.
2785 Cardenas?
2786 [No response.]
2787 *The Clerk. Ruiz?
2788 *Mr. Ruiz. Aye.
2789 *The Clerk. Ruiz votes aye.
2790 Dingell?
2791 *Mrs. Dingell. Aye.
2792 *The Clerk. Dingell votes aye.
2793 Kuster?
2794 *Ms. Kuster. Aye.
2795 *The Clerk. Kuster votes aye.
2796 Kelly?
2797 *Ms. Kelly. Aye.
2798 *The Clerk. Kelly votes aye.
2799 Barragan?
2800 *Ms. Barragan. Aye.

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2801 *The Clerk. Barragan votes aye.

2802 Blunt Rochester?

2803 *Ms. Blunt Rochester. Aye.

2804 *The Clerk. Blunt Rochester votes aye.

2805 Craig?

2806 *Ms. Craig. Aye.

2807 *The Clerk. Craig votes aye.

2808 Schrier?

2809 [No response.]

2810 *The Clerk. Trahan?

2811 *Mrs. Trahan. Aye.

2812 *The Clerk. Trahan votes aye.

2813 Pallone?

2814 *Mr. Pallone. Aye.

2815 *The Clerk. Pallone votes aye.

2816 *Mr. Guthrie. Anyone seeking recognition to record

2817 their vote?

2818 Anyone seeking recognition to record their vote?

2819 Seeing none, the clerk shall report.

2820 [Pause.]

2821 *The Clerk. Chair Guthrie, on that vote there were 11

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2822 ayes and 17 nays.

2823 *Mr. Guthrie. With 11 ayes and 17 nays, the amendment
2824 is not agreed to.

2825 So what purpose does the gentleman from Virginia seek
2826 recognition?

2827 *Mr. Griffith. Mr. Chairman, I have an amendment at the
2828 desk.

2829 *Mr. Guthrie. The clerk will report the amendment.

2830 *The Clerk. Amendment to H.R. 467, offered by Mr.
2831 Griffith of Virginia. At the end of the bill, add the
2832 following --

2833 *Mr. Guthrie. Without objection, the reading of the
2834 amendment is dispensed with.

2835

2836 [The amendment of Mr. Griffith follows:]

2837

2838 *****COMMITTEE INSERT*****

2839

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2840 *Mr. Guthrie. And the gentleman from Virginia is
2841 recognized for five minutes in support of the amendment.

2842 *Mr. Griffith. Thank you, Mr. Chairman. I hope that
2843 this is a pretty simple amendment.

2844 What we have done is we have taken the language of the
2845 bill, we have gone in and, based on a case out of the -- out
2846 of New York, United States versus McCray, we have made sure
2847 that we adopted the language. They upheld the underlying
2848 statute that this would make permanent. But they also, you
2849 know, got into a long debate over some of the wording. And
2850 while they ruled with us, this would make the language
2851 clearer to make it clear that we are talking about fentanyl-
2852 related substances and any analogue as described in the
2853 amendment.

2854 I yield back.

2855 *Mr. Guthrie. Is there any discussion on the amendment?

2856 The gentleman from New Jersey is recognized for five
2857 minutes.

2858 *Mr. Pallone. I move to strike the last word and speak
2859 in opposition --

2860 *Mr. Guthrie. The gentleman is recognized.

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2861 *Mr. Pallone. -- to the amendment related to mandatory
2862 minimum penalties.

2863 This amendment goes beyond what is currently law, and is
2864 an explicit admission, in my opinion, of the fact that
2865 Republicans believe they can incarcerate their way out of a
2866 public health crisis.

2867 My Republican colleagues have taken great issue with
2868 reforms the Biden Administration has recommended for
2869 mandatory minimums related to FRS. The Administration
2870 proposal calls for mandatory minimums to not apply to the FRS
2871 peremptorily classified as schedule I, unless an offense
2872 leads to serious bodily injury or death. And it is important
2873 to note that people charged with an FRS offense would still
2874 be subject to strong penalties outlined in U.S. sentencing
2875 guidelines.

2876 Moreover, my Republican colleagues have argued that any
2877 reforms to mandatory minimum penalties will result in an
2878 influx of new FRS, but there is no evidence to support this.
2879 Criminals and transnational cartels who seek to distribute
2880 illicit drugs have not been deterred by existing criminal
2881 penalties, and show no signs of reducing supply to meet the

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2882 demand in this country.

2883 No one is arguing to weaken law enforcement. People

2884 must be held accountable if they are breaking the law.

2885 However, I and many of my Democratic colleagues believe it is

2886 time to address fentanyl and FRS as the public health crisis

2887 that it is. And criminalization-first policies have

2888 exacerbated substance use, stigmatized individuals who

2889 experience substance use disorders, and discourage people

2890 from seeking treatment.

2891 So I would like to turn the page and find bipartisan

2892 solutions, as I mentioned before, that proactively save lives

2893 and keep our families and communities healthy. I don't think

2894 this accomplishes that.

2895 And with that, Mr. Chairman, I yield back.

2896 *Mr. Guthrie. The gentleman yields back, and the chair

2897 will recognize himself for five minutes to discuss the

2898 amendment, and I will yield to the gentleman from Virginia.

2899 *Mr. Griffith. Thank you very much, Mr. Chairman, and I

2900 would just say that this is a pretty simple amendment.

2901 I understand the objections that the other side has

2902 raised on mandatory minimums, but I will tell you, when you

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2903 say it hasn't made any difference, it hasn't made any
2904 difference on fentanyl deaths, but the cartels, et cetera,
2905 have not continued their attempts to bring in -- since we put
2906 this as temporary, they have not continued to bring in the
2907 fentanyl-related substances as they did in the past. They
2908 were encouraged to do that, because they thought they could
2909 get a better deal, or even be found not guilty, as the McCray
2910 case was exactly what they were arguing in that case. And
2911 the court found that this law that we want to make permanent
2912 made it illegal.

2913 And since that time, the testimony in front of the
2914 committee was they have stopped trying to figure out how to
2915 change the chemical compound in such a way, and that makes it
2916 easier on our law enforcement on the ground because they
2917 don't have to look at 10 or 15 or 30 different substances
2918 currently, or maybe hundreds of others in the future. They
2919 just have to focus on basic fentanyl.

2920 And again, let me say this bill does not solve all
2921 problems. I have never said it was a magic elixir that was
2922 going to solve the fentanyl crisis in and of itself. But it
2923 does focus our law enforcement on fentanyl without them

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2924 having to spend hours, countless hours, trying to figure out
2925 if the substance is an analogue and, then, when they go to
2926 court, trying to defend that this is one of the analogues
2927 that was meant to be covered. That is what happened in
2928 McCray.

2929 This simple amendment that I have proposed -- and I
2930 thought it would be easier than this -- but the simple
2931 amendment just makes sure that we are complying with or
2932 incorporating McCray language. And it is just making sure
2933 that we are doing it right. And that is all we are trying to
2934 do with this amendment.

2935 I understand my colleagues on the other side are opposed
2936 to mandatory minimums. Mandatory minimums from fentanyl will
2937 continue. Mandatory minimums on all the other stuff will
2938 continue. That is a bill for another day, and that is a bill
2939 that they can discuss in the Judiciary Committee. This is a
2940 bill that needs to be passed today. They can deal with
2941 mandatory minimums on another day.

2942 And I yield back to the chairman.

2943 *Mr. Guthrie. I will yield back. Is there any further
2944 discussion on the amendment?

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2945 If there is no further discussion, the vote occurs on
2946 the amendment.

2947 All those in favor shall signify by saying aye.

2948 All those opposed by nay.

2949 In the opinion of the chair, the ayes have it, and the
2950 amendment is agreed to.

2951 Is there anyone seeking recognition for an amendment?

2952 The gentleman from California is recognized for purpose
2953 of an amendment.

2954 *Mr. Cardenas. Thank you very much. I have an
2955 amendment to the HALT Fentanyl Act. I think it is amendment
2956 No. 2.

2957 *The Clerk. Amendment to H.R. 467, offered by Mr.
2958 Cardenas. After section 2, insert the following and re-
2959 designate the subsequent section accordingly. Section 3,
2960 publication of certain information relating to scheduling
2961 fentanyl-related substances. In general --

2962 *Mr. Guthrie. Without objection, the reading of the
2963 amendment is dispensed with.

2964

2965 [The amendment of Mr. Cardenas follows:]

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2966

2967 *****COMMITTEE INSERT*****

2968

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2969 *Mr. Guthrie. And the gentleman is recognized for five
2970 minutes in support of his amendment.

2971 *Mr. Cardenas. Thank you, Mr. Chairman. Thank you for
2972 recognizing me.

2973 I am just perplexed and heartbroken to watch the
2974 devastation that fentanyl is causing in our country. And it
2975 is not the first time that Americans have suffered from an
2976 addiction crisis. But this one, I think, is far, far greater
2977 than ever before.

2978 No family should have to lose a loved one like we have
2979 seen. And I know that fear. I know that fear myself. And I
2980 know that many of us have seen and witnessed it in our
2981 communities, and sometimes in our own families. I have seen
2982 just how much substance disorder can grip a person, and
2983 dominate their mind and their entire actions.

2984 Make no mistake, I feel the same sense of urgency as all
2985 of my colleagues in this committee and all of my colleagues
2986 in the Congress. It is my sincere belief that, to do this
2987 successfully, Congress must address rising overdoses as the
2988 public health crisis that it is. We must treat addiction
2989 like the medical condition that it is. This means investing

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2990 in harm reduction measures, and meeting people struggling
2991 with substance use disorder where they are.

2992 And candidly, I am concerned that this class-wide
2993 scheduling approach sets a precedent of guilt until proven
2994 innocent. I fear that we are doomed to repeat the mistakes
2995 of the past, doomed to perpetuate and exacerbate that war-on-
2996 drugs mentality. I fear we will be throwing more poor people
2997 and people of color in jails, while watching the overdose
2998 deaths continue to climb. That is why I am against the
2999 notion of permanently scheduling all -- I say all --
3000 fentanyl-related substances.

3001 But I also want to be clear. The proposal put forth by
3002 Ranking Member Pallone has elements that are far superior to
3003 that of the HALT Fentanyl Act. For example, HALT Fentanyl
3004 Act would impose harsh Federal penalties, but does nothing to
3005 vacate or reduce the sentence if the substance in question is
3006 later removed from schedule I.

3007 Additionally, the HALT Fentanyl Act also does not do
3008 nearly enough to lower barriers to test for the potential
3009 harmlessness, or even therapeutic value of these fentanyl-
3010 related substances.

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3011 The next antidote to overdose could be a fentanyl-
3012 related substance that we haven't had a chance to test yet
3013 because of blanket class-wide scheduling. In other words, we
3014 are criminalizing compounds which haven't even been
3015 discovered yet, which brings me to my amendment.

3016 My amendment very simply requires the DEA to publish
3017 their scientific and medical evaluations of fentanyl-related
3018 substances on a public website. This is a transparency
3019 measure that should be uncontroversial. If we are serious
3020 about addressing this crisis, we should all have access to
3021 the most up-to-date information and scientific analysis of
3022 these substances.

3023 I ask my colleagues to support this measure, which would
3024 simply allow us to fight this crisis with clearer eyes, and
3025 as much information as possible at the right moment.

3026 I urge yes on my amendment, and I yield back, Mr. Chair.

3027 *Mr. Guthrie. The gentleman yields back. Is there any
3028 -- is there discussion of the amendment?

3029 The gentleman from Georgia is recognized for five
3030 minutes to discuss the amendment.

3031 *Mr. Carter. Thank you, Mr. Chairman. Mr. Chairman, I

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3032 rise in opposition to this amendment, because it is not
3033 necessary. This is already being done. The gentleman here
3034 is proposing a solution where there is no problem at all,
3035 because this is already being addressed.

3036 When the DEA issues a proposed rule to schedule a
3037 substance, the analysis from HHS and DEA is included already
3038 in the background materials available to the public in the
3039 Federal Register. I am not sure of the problem that this
3040 amendment aims to solve, because it is not a problem. It is
3041 already being done.

3042 It also seems counter to the goal of the legislation to
3043 schedule FRS as a class, and avoid doing one-off rulemaking
3044 each time a new fentanyl analogue is discovered.

3045 Mr. Chairman, let me assure you, I served 10 years in
3046 the Georgia state legislature. And as a pharmacist on the
3047 health and human services committee in the legislature, we
3048 tried to do this with a lot of the analogues, and we were
3049 constantly, every year, having to update it because all they
3050 would do is just change it just ever so minutely.

3051 This, the way we are trying to do it, the schedule I,
3052 will avoid that problem. That is why we want to do it this

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3053 way. Otherwise, we are going to be coming back every year,
3054 just like a cat chasing his tail, and we are never going to
3055 catch it. That is why I am just baffled as to exactly what
3056 we are trying to resolve here, because it is already being
3057 resolved here.

3058 If you look in the language in subparagraph one, it
3059 says, "In any case where the Secretary of HHS has completed a
3060 scientific and medical evaluation of a fentanyl-related
3061 substance, and has returned a scheduling recommendation to
3062 the DEA to place or not to place the fentanyl-related
3063 substance on a schedule pursuant to section 201(b) of the
3064 Controlled Substance Act'" -- right there. So it seems to me
3065 that this should say to maintain on the schedule, or remove
3066 from schedule I if all fentanyl-related substances are going
3067 to be on schedule I upon passage of this bill.

3068 This is -- this amendment is unnecessary. It is a
3069 solution looking for a problem, because there is not a
3070 problem here. Mr. Chairman, for these reasons, I oppose this
3071 amendment today, but I am happy to work with the gentleman to
3072 try to address his concerns he may have on current
3073 transparency in the scheduling process. But I want to assure

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3074 you there is not any problems in the scheduling process right
3075 now.

3076 Thank you, Mr. Chairman, and I will yield back.

3077 *Mr. Guthrie. The gentleman yields back. Is there
3078 further discussion?

3079 Seeing no further discussion, the vote on the amendment
3080 occurs.

3081 All those in favor for the amendment shall signify by
3082 saying aye.

3083 All those opposed, nay.

3084 The nays have it, and the amendment is not agreed to.

3085 Is there anyone seeking recognition for purpose of an
3086 amendment?

3087 Seeing no further amendments, the question -- oh, okay,
3088 she is coming -- the gentlelady seeks recognition? Yes, you
3089 are good.

3090 [Pause.]

3091 *Mr. Guthrie. Does the gentlelady seek recognition?

3092 *Ms. Blunt Rochester. [Inaudible.]

3093 *Ms. Eshoo. Put your microphone on.

3094 [Pause.]

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3095 *Mr. Guthrie. The clerk shall report the amendment.

3096 *The Clerk. Amendment to H.R. 467, offered by Ms. Blunt
3097 Rochester of Delaware.

3098 *Mr. Guthrie. Without objection, the reading of the
3099 amendment is dispensed with.

3100 [The amendment of Ms. Blunt Rochester follows:]

3101

3102 *****COMMITTEE INSERT*****

3103

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3104 *Mr. Guthrie. And the gentlelady is recognized for five
3105 minutes in support of the amendment.

3106 *Ms. Blunt Rochester. Thank you, Mr. Chairman. The
3107 amendment I am offering will direct the GAO to analyze the
3108 implementation and impact of permanent class-wide scheduling
3109 of fentanyl-related substances, or FRS, on research, civil
3110 rights, and the illicit manufacturing and trafficking of
3111 these deadly substances.

3112 This amendment will also require the GAO to analyze the
3113 role of social media in the proliferation of fentanyl and
3114 other synthetic opioids, and investigate its role in ending
3115 the opioid crisis through public messaging and communication.

3116 I am offering this amendment because the HALT Fentanyl
3117 Act lacks critical measures that will help us understand if
3118 the proposed policies work as intended.

3119 More specifically, not only does this bill take a one-
3120 sided approach to addressing the synthetic fentanyl crisis by
3121 not addressing the public health or criminal justice concerns
3122 that many experts have raised about the proposal, but it also
3123 lacks substantive accountability measures so we, as lawmakers
3124 and experts, can, at a minimum, assess if the specific

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3125 policies in the bill reduce the supply and availability of
3126 new illicit FRS.

3127 The proposed class-wide scheduling of fentanyl-related
3128 substances is a first of its kind policy, and in the midst of
3129 such uncertainty, we need continuous information to determine
3130 whether the country is moving in the right direction on the
3131 outcomes we seek to influence.

3132 Additionally, this amendment will help us understand how
3133 social media and electronic communication is used in the
3134 trafficking and distribution of counterfeit drugs laced with
3135 fentanyl and fentanyl-related substances. This information
3136 will help us develop evidence-based policies to protect our
3137 children and other vulnerable populations from these deadly
3138 substances.

3139 My amendment is a common-sense policy that will help us
3140 understand if we are actually moving the needle. I hope my
3141 colleagues on both sides of the aisle will vote yes.

3142 Thank you, Mr. Chairman, and I yield back.

3143 *Mr. Guthrie. The gentlelady yields back. Is there
3144 discussion of the amendment?

3145 The gentleman from Virginia is recognized for discussion

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3146 on the amendment.

3147 *Mr. Griffith. Discussing the amendment, I fear I must
3148 rise in opposition to the amendment.

3149 I agree that we need to conduct oversight to ensure that
3150 the HALT Fentanyl Act is achieving what I intend and what Mr.
3151 Latta intends and what we all intend the bill will do when it
3152 gets signed into law. But I fear that this amendment,
3153 unfortunately, is rushing the process.

3154 Now, we have received extensive feedback from the GAO,
3155 the Government Accountability Office, on the language that we
3156 would believe -- that we believe would need to be
3157 incorporated into the language to ensure we are capturing
3158 adequate criteria and asking for the right information. So
3159 as this moves forward to full committee, I look forward to
3160 working with the gentlelady in trying to get the language
3161 worked out.

3162 I don't know that we need to vote on it today, but that
3163 is her -- that is your call. That would be her call, Mr.
3164 Chairman. But I am happy to work with her on the language,
3165 as we move forward to the full committee in trying to address
3166 this issue.

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3167 *Ms. Blunt Rochester. Will the gentleman yield?

3168 *Mr. Griffith. The gentleman yields.

3169 *Ms. Blunt Rochester. Thank you, sir, and I look
3170 forward to working with you.

3171 *Mr. Griffith. Thank you, ma'am.

3172 *Ms. Blunt Rochester. I yield.

3173 *Mr. Guthrie. Does the -- any further discussion on the
3174 amendment?

3175 Seeing no further discussion, the vote occurs on the
3176 amendment.

3177 All those in favor shall signify by saying aye.

3178 All those -- one aye?

3179 All those opposed will say nay.

3180 The nays have it, and the amendment is not agreed to.

3181 Is there any further recognition for the purposes of
3182 amendments?

3183 Seeing none, the question now occurs on forwarding H.R.
3184 467, as amended, to the full committee. All those in favor
3185 shall say aye; all those opposed, no. There has been a roll
3186 call vote requested. All those in favor will vote aye; all
3187 those opposed say -- well, no. And the clerk will call the

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3188 roll.

3189 *The Clerk. Guthrie?

3190 *Mr. Guthrie. Aye.

3191 *The Clerk. Guthrie votes aye.

3192 Burgess?

3193 *Mr. Burgess. Votes aye.

3194 *The Clerk. Burgess votes aye.

3195 Latta?

3196 *Mr. Latta. Aye.

3197 *The Clerk. Latta votes aye.

3198 Griffith?

3199 *Mr. Griffith. Aye.

3200 *The Clerk. Griffith votes aye.

3201 Bilirakis?

3202 [No response.]

3203 *The Clerk. Johnson?

3204 *Mr. Johnson. Aye.

3205 *The Clerk. Johnson votes aye.

3206 Bucshon?

3207 *Mr. Bucshon. Aye.

3208 *The Clerk. Bucshon votes aye.

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

3209 Hudson?
3210 *Mr. Hudson. Aye.
3211 *The Clerk. Hudson votes aye.
3212 Carter?
3213 *Mr. Carter. Aye.
3214 *The Clerk. Carter votes aye.
3215 Dunn?
3216 [No response.]
3217 *The Clerk. Pence?
3218 [No response.]
3219 *The Clerk. Crenshaw?
3220 [No response.]
3221 *The Clerk. Joyce?
3222 *Mr. Joyce. Aye.
3223 *The Clerk. Joyce votes aye.
3224 Harshbarger?
3225 *Mrs. Harshbarger. Aye.
3226 *The Clerk. Harshbarger votes aye.
3227 Miller-Meeks?
3228 *Mrs. Miller-Meeks. Aye.
3229 *The Clerk. Miller-Meeks votes aye.

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3230 Obernolte?
3231 *Mr. Obernolte. Aye.
3232 *The Clerk. Obernolte votes aye.
3233 Rodgers?
3234 *The Chair. Aye.
3235 *The Clerk. Rodgers votes aye.
3236 Eshoo?
3237 *Ms. Eshoo. No.
3238 *The Clerk. Eshoo votes no.
3239 Sarbanes?
3240 *Mr. Sarbanes. No.
3241 *The Clerk. Sarbanes votes no.
3242 Cardenas?
3243 *Mr. Cardenas. No.
3244 *The Clerk. Cardenas votes no.
3245 Ruiz?
3246 *Mr. Ruiz. No.
3247 *The Clerk. Ruiz votes no.
3248 Dingell?
3249 *Mrs. Dingell. [Inaudible.]
3250 *The Clerk. Dingell votes no.

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3251 Kuster?
3252 *Ms. Kuster. No.
3253 *The Clerk. Kuster votes no.
3254 Kelly?
3255 *Ms. Kelly. No.
3256 *The Clerk. Kelly votes no.
3257 Barragan?
3258 [No response.]
3259 *The Clerk. Blunt Rochester?
3260 [No response.]
3261 *The Clerk. Craig?
3262 *Ms. Craig. Yes.
3263 *The Clerk. Craig votes aye.
3264 Schrier?
3265 [No response.]
3266 *The Clerk. Trahan?
3267 *Mrs. Trahan. No.
3268 *The Clerk. Trahan votes no.
3269 Pallone?
3270 *Mr. Pallone. No.
3271 *The Clerk. Pallone votes no.

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3272 *Mr. Pence. How is Pence recorded?

3273 *The Clerk. Pence is not recorded.

3274 *Mr. Pence. Aye.

3275 *The Clerk. Pence votes aye.

3276 *Mr. Guthrie. How is Dunn recorded?

3277 *Mr. Dunn. Dunn?

3278 *The Clerk. Dunn is not recorded.

3279 *Mr. Dunn. Aye.

3280 *The Clerk. Dunn votes aye.

3281 *Mr. Guthrie. Anyone who hasn't -- is Ms. Blunt

3282 Rochester recorded?

3283 *The Clerk. Blunt Rochester is not recorded.

3284 *Ms. Blunt Rochester. Blunt Rochester votes no.

3285 *The Clerk. Blunt Rochester votes no.

3286 *Mr. Guthrie. Anyone else seeking -- how is Mr.

3287 Bilirakis recorded?

3288 *The Clerk. Bilirakis is not recorded.

3289 *Mr. Bilirakis. I vote yes.

3290 *The Clerk. Bilirakis votes aye.

3291 *Mr. Guthrie. Anyone else? Anybody else coming?

3292 Everybody is -- we are good here? You guys good? Everybody

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3293 got a chance to vote?

3294 Seeing no others requesting a vote, the clerk will
3295 report.

3296 [Pause.]

3297 *The Clerk. Chair Guthrie, on that vote we have 17 ayes
3298 and 10 nays.

3299 *Mr. Guthrie. With 17 ayes and 10 nays, the bill is
3300 agreed to. That is the conclusion.

3301 So without objection, staff is authorized to make
3302 technical and conforming changes to the legislation approved
3303 by the subcommittee today.

3304 So ordered.

3305 Without objection, the subcommittee stands adjourned.

3306 [Whereupon, at 4:13 p.m., the subcommittee was
3307 adjourned.]