

Republican Leader Michael C. Burgess, M.D.
Subcommittee on Health
**“Lowering the Cost of Prescription Drugs: Reducing Barriers to Market
Competition”**
March 13, 2019

As Prepared for Delivery

Thank you, Chairwoman Eshoo. Today, we are having a hearing that will touch upon the important topic of drug pricing; although I am frustrated that we are not considering more substantive policies. As the Chairman of this Subcommittee in December of 2017, I held a drug supply chain hearing with a total of ten witnesses. While the number of witnesses pushed the limits on how many individuals we could fit at one table, I thought it was critical that we have someone to represent each level of the drug supply chain.

As evidenced by that hearing, there are a number of conflicting opinions held by the entities along the supply chain, but that does not mean that we should not listen to them. It is likely that legislation to address drug pricing will ruffle some feathers, and that is ok; however, it is not acceptable to intentionally legislate in a black box.

While a few of the bills before us today are bipartisan and have been previously introduced, there are numerous new pieces of legislation. The text of

these bills were not shared with the Republicans until last Monday, which violates the two week rule that has been considered sacred for years. This was not a Republican rule. This is a rule that both Chairman Waxman and Chairman Dingell held in high regard. I will reiterate what I said last week – bipartisanship is asking for my input, not just for my vote.

There are some of these bills that we might have been able to work together on, and may be able to partner on going forward. Giving a Member less than 24 hours to sign onto a piece of legislation they have never seen is discourteous, especially when we have said at each hearing thus far this Congress that we are willing to work in a bipartisan way. If we don't have a seat at the table during the drafting process, you can expect us to take longer to do our due diligence in vetting the policies.

Additionally, no stakeholders had been consulted in the drafting of these bills, including the Association for Accessible Medicines – the generics manufacturers, whom these bills are supposedly intended to benefit. In fact, the generics manufacturers have either not commented on, or oppose, a number of the bills before us this morning.

Several of these bills had not seen the light of day outside of Chairman Pallone's staff, the Members these bills were assigned to, and House legislative counsel. These bills have received no input from stakeholders, and no technical assistance from the agencies – namely the Food and Drug Administration and the Federal Trade Commission.

As Chairman of this Subcommittee, I never would have even thought about holding a hearing on seven bills that were not shared with nine days until the hearing, not to mention without the agency witnesses. It is unthinkable that the Food and Drug Administration was not invited to testify at this hearing.

This is not a grab-bag drug pricing hearing. These are seven pieces of complex legislation that all intricately involve the FDA. Not only was FDA not invited to present us with their thoughts about these bills, the FDA was not consulted for technical assistance on any of these bills prior to this hearing. I learned that staff spoke with FDA about these bills for the first time yesterday, and the agency had more questions than answers. As the agency that would largely be tasked with implementing these bills should any be signed into law, I find it immensely troubling that the agency witnesses were not considered by the Democrats. Ideally, we could have called FDA in to be our Republican witness,

but we did not get notice that this hearing was happening with enough time to do so.

I do want to thank the witnesses that are here for agreeing to testify before us this morning. I do hope that we can use their expertise to highlight the flaws in some of these bills, and that we can utilize their input to improve upon some of the bills on which we may find a bipartisan path forward. I yield back.