

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

Markup of Five Bills, Subcommittee on Health

March 8, 2023

Today the Subcommittee is marking up five bills, some bipartisan and others partisan.

It is unfortunate that the Republicans have decided to include the partisan HALT Fentanyl Act as part of this markup. Every member of this Subcommittee agrees that we must continue to work to address the overdose crisis that is devastating communities across the nation. Last Congress, we were able to work together to achieve bipartisan policy reforms to address the substance use crisis and to increase access to prevention, treatment, and recovery services. This bipartisan work was critically important because more than 107,000 Americans died from an overdose over a 12-month period in 2022, and 67 percent of overdose deaths that year involved synthetic opioids like fentanyl. This complex public health problem requires thoughtful, measured solutions.

And that's why I am disappointed that my Republican colleagues have not tried to work with us in a bipartisan manner on this issue so far this Congress, and instead are bringing up a partisan bill that I believe stands no chance at becoming law.

Republicans have also included H.R. 801, a misguided expansion of Title 42 authorities that does not address the root causes of the opioid crisis. It is a bill that represents a massive expansion of executive power, allowing the Secretary of Health and Human Services the ability to restrict the rights of those seeking legal asylum protections based on an undefined threat. Under our reading of the bill, the legislation would also allow the Secretary to shut down all legal ports of entry and block international trade indefinitely, under the sole finding of a "serious danger" of certain controlled substances entering the country. This was never the intent of the public health provisions under Title 42.

I fear this legislation is a political stunt. Rather than considering evidence-based, balanced public health approaches to the fentanyl crisis, Republicans are focusing on pushing partisan immigration policy.

We are also considering H.R. 485, a bill to ban the use of Quality Adjusted Life Years in federal health programs and states. While I will work to find a bipartisan path forward before a full committee markup, I continue to be concerned about the scope of the underlying bill. Specifically, I have asked for changes to ensure that the bill will not impact the implementation of the prescription drug negotiation provisions included in the Inflation Reduction Act. In particular, we need to make clear that this proposed prohibition on the use of QALYS in federal law does not bar the use of non-discriminatory measures of a drug's value.

March 8, 2023

Page 2

Unfortunately, we were unable to come to agreement on my requested language change in time for this Subcommittee markup. While the language has come a long way since the legislative hearing, it needs further work in order to gain my unqualified support. I also hope Republicans will be willing to work with our colleagues on the Armed Services Committee, the Veterans' Affairs Committee, and other affected committees to understand the impact of these changes on programs within their jurisdiction. I don't think that work has been done yet. I look forward to continuing to work with the majority to ensure the language accomplishes our shared goals.

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

We will also consider two bills that have bipartisan support, H.R. 501, the Block, Report and Suspend Suspicious Shipments Act, and H.R. 498, the 9-8-8 Lifeline Cybersecurity Responsibility Act. I thank the members who have worked on these bills and I look forward to advancing them to the full Committee.