

**Committee on Energy and Commerce**  
**Opening Statement as Prepared for Delivery**  
**of**  
**Subcommittee on Health Ranking Member Anna Eshoo**

***Markup of Five Bills***

**March 8, 2023**

Thank you, Mr. Chairman, and good afternoon colleagues. During the Health hearing on four of these bills, I stated my view that the bills could win bipartisan support if we negotiated the specifics.

I said to the Chairwoman, ‘Let’s get this figured out.’

Since then, my Republican colleagues have come to the table to negotiate and we’re extremely close on a bipartisan agreement to ban the use of the discriminatory metric named Quality-Adjusted Life Years. As the Chairman just said, this cost-effectiveness metric inherently devalues the lives of people with a disability.

I’m committed to getting to an agreement before the Full Committee marks up this bill and I thank the Chairwoman for her work on this to make it so.

Unfortunately, there’s been no effort to negotiate how to permanently schedule illicit fentanyl-related substances in the *HALT Fentanyl Act*. This is unfortunate because I believe we could also get to a bipartisan bill if the Republicans would come to the table.

Most Democrats support permanently scheduling illicit fentanyl-related substances. We just need to make sure the policy on mandatory minimums is revised to avoid continuing the ineffective and harmful policies of the past. Mandatory minimums should take into account whether the cases involve overdoses or serious bodily harm.

Democrats will offer bipartisan, commonsense amendments to the *HALT Fentanyl Act* to strengthen the Republican effort and I urge all Subcommittee members to vote for these bipartisan efforts amendments.

I’m disappointed that we’re marking up the *Securing the Border for Public Health Act* to authorize the HHS Secretary to suspend all immigration and imports from a given foreign country to prevent the distribution of controlled substances.

This is an inflammatory and far-reaching immigration bill that has never been heard by a Subcommittee. I urge my colleagues to vote against the bill.

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Finally, we'll markup two bipartisan bills thankfully. The *Block, Reporting, and Suspend Suspicious Shipments Act*. That requires drug manufacturers, distributors, and other DEA registrants to report and decline to fill suspicious orders of controlled substances.

The *9-8-8 Lifeline Cybersecurity Responsibility Act* is a commonsense bill that requires the 9-8-8 network administrator to report potential cybersecurity threats to SAMHSA immediately. I urge my colleagues to support both bills.

This Subcommittee should continue our tradition of bipartisan work to improve our nation's health care. I look forward to a productive markup and advancing bills that can pass the Senate and be signed into law by President Biden. With that I yield back.