

**House Energy and Commerce Committee**  
**Full Committee Vote**  
**May 8, 2018**  
**9:00 am, 2123 Rayburn**

Members Present: Chairman Walden, Ranking Member Pallone, Representatives: Barton, Upton, Shimkus, Burgess, Blackburn, Latta, Rogers, Harper, Lance, Guthrie, Olson, McKinley, Kinzinger, Griffith, Bilirakis, Johnson, Long, Buschon, Flores, Brooks, Mullin, Hudson, Collins, Cramer, Walberg, Walters, Costello, Carter, Duncan, Rush, Eshoo, Engel, Green, DeGette, Doyle, Schakowsky, Butterfield, Matsui, Castor, Srbanes, McNerney, Welch, Lujan, Tonko, Clarke, Loeb sack, Schrader, Kennedy, Cardenas, Ruiz, Peters, and Dingell

Purpose: The Committee on Energy and Commerce will meet to markup legislation to be considered for report to the house floor.

Opening Statements

**Chairman Walden** opened that today the committee considers 26 pieces of legislation to combat the opioid the crisis. Chairman Walden stated that he hopes these bills receive bipartisan support, just as they did at the subcommittee level. Chairman Walden stated that there is no silver bullet or one size fits all approach that will remedy the catastrophic effects the opioid crisis has caused over the last decade. The proposed legislation will strengthen communities across the country and bolster public health efforts. Upon completion of the Committee's markups this week and next, the committee will have fulfilled their commitment of presenting a package of bills to combat the opioid crisis to the floor by Memorial Day. Chairman Walden stated that he is looking forward to working with leadership to schedule floor action soon. In addition to opioid related legislation, the Committee will also hear proposals of bipartisan FDA legislation to advance a reauthorization of the Animal Drug and Animal Generic Drug Use Fee Acts and modernization of regulation for over the counter drugs. The last legislation the committee will consider are five proposals from the Energy subcommittee.

**Ranking Member Pallone** said the four-cyber security bills in front of the committee would strengthen the cyber security of the nation's electrical grid and pipeline network. Ranking Member Pallone supports the four bipartisan bills. However, Ranking Member Pallone does not support Representative Johnson's L&G licensing bill. The opioid crisis requires thoughtful measures and solutions. Ranking Member Pallone stated that he will evaluate the opioid proposals based on two principles: (1) if the proposal meaningfully improves access to treatment for opioid use disorders; and (2) whether the proposal helps to keep people from getting addicted to opioids in the first place. Ranking Member Pallone supports all of the opioid bills in front of the committee today. Conversely, Ranking Member Pallone stated he is concerned that many of the proposals that most meaningfully improve and expand treatment for opioid use disorders will not be discussed today. Ranking Member Pallone said there are a number of bills that were brought up in subcommittee that have been left out of today's package, those bills would have a meaningful and immediate impact, he stated. He highlighted Representative Tonko's Treat Act. He asks that as the committee moves forward, they are deliberate and thoughtful to address the evolving nature of the epidemic.

**Representative Upton** said the evolving threats of cyber-attacks needs to be addressed. H.R. 5175 allows the Administration to be better prepared to confront cyber threats. The four energy bills will build a more reliable and resilient system, Representative Upton stated. He asks for the support of his colleague's by voting yes on the proposed legislation.

**Representative Green** asked for the support of several health bills, including: the Comprehensive Opioid Recovery Centers Act; The Over-the-Counter Monograph Safety, Innovation, and Reform Act, and the amendment that will be considered; and H.R. 5554.

**Representative Blackburn** stated treatment centers want to see partnerships between the federal and the state level. She said she supports legislation that achieves this goal and provides funding that facilities research.

**Representative DeGette** stated she is supportive of all of the opioid bills and the monograph safety bill. However, she stated that she wants to make sure the Committee is not nibbling around the edges of the opioid crisis. Representative DeGette stated she wants to make sure the crisis is being addressed head on, similarly, to how the AIDS crisis was addressed through Ryan-White. Some of the issues the Committee needs to look at are research and development of alternative drugs for pain treatment, opioid distribution patterns, physician education and prescription coordination, availability of MAT and other treatment programs, aid to the state, and help with law enforcement. These issues should be thought of in a comprehensive manner.

**Representative Latta** asked his colleagues to support of H.R. 4284, H.R. 5333, and H.R. 5239

**Representative Schakowsky** stated the one program they know works to provide support for opioid use disorder is Medicaid. Medicaid provides coverage for 40% of individuals with opioid use disorder. The recent Budget proposal from the Trump Administration cuts Medicaid by billions of dollars. 1.7 million people would lose Medicaid coverage in the 10 states that are considering work requirements for the Medicaid program. Cutting Medicaid hurts people suffering from substance abuse disorder.

**Representative Bilirakis** is proud of the work the committee has done. H.R. 5675 builds off of the Comprehensive Addiction Recovery Act (CARA). He asks for committee support to advance the bill to the house floor.

**Representative Matsui** said large cuts to the Medicaid program would overshadow any and all of the bills proposed today and passed to the House floor. Medicaid is a primary payer of mental health treatment, including substance use disorder treatment. Representative Matsui stated she hopes the Committee will keep in mind the big picture.

**Representative Welch** said the committee needs to preserve Medicaid and invest in rural America. Economies of small towns are collapsing, without broadband built out to all of rural America; this population will not have a fair shot to address the epidemic.

**Representative Castor** stated much more needs to be done to address the opioid health epidemic. The AIDS epidemic is a model for how Congress can address the epidemic. She said

the committee needs to look at something similar to the Ryan-White Act, something that is meaningful. She agreed with other Democratic colleagues that the Medicaid program should not be undermined. Representative Castor said to meaningfully address the epidemic, a comprehensive approach is required.

**Representative Ruiz** raised caution to the efforts on repealing Medicaid expansion and essential health benefits. The money that is put into this bill to build health treatment facilities is not useful if patient's insurance is taken away. He said, if patients cannot afford the services, patients will not access them.

**Representative Dingell** said the opioid epidemic is ravaging every corner of the country. Representative Dingell shared her personal story how opioids have affected her family through her sister and dad's addiction. She said today is not an academic exercise, the events that happen today have real impacts on the lives of people across the country. She thanked the Chairman for holding the markup and asked that the committee keep going. She asked the committee to commit to working together to keep working and take a comprehensive approach on the epidemic. A comprehensive approach required safeguarding safety-net programs.

Proceedings:

**H.R. 4275, Empowering Pharmacists in the Fight Against Opioid Abuse Act;**

**Chairman Walden** called for a vote on H.R. 4275 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5041, Safe Disposal of Unused Medication Act;**

The Clerk recognized the amendment offered by **Representative Walberg**. **Chairman Walden** called for a vote on Walberg amendment. The Walberg Amendment was adopted by voice.

**Chairman Walden** called for a vote on H.R. 5041 to report as amended to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5202, Ensuring Patient Access to Substance Use Disorder Treatments Act of 2018;**

The Clerk recognized the amendment offered by **Representative Welch**. The amendment would incorporate the recommendation of the DEA to amend the Ensuring Patient Access and Effective Drug Enforcement Act to the probable cause standard recommended by the DEA in its letter to the committee and testimony yesterday in the House Judiciary Committee. **Representative Barton** raised a point of order against the Welch amendment; he stated the amendment is not germane, going against the House rule clause 7. Representative Barton insisted on calling the amendment to a point of order. **Chairman Walden** agreed the amendment does violate the subject matter and sustained the point of order.

**Chairman Walden** called for a vote on H.R. 5202 to report to the House floor. *The bill was reported favorably to the house floor.*

**H.R. 5483, Special Registration for Telemedicine Clarification Act of 2018;**

**Chairman Walden** called for a vote on H.R. 5483 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 449, Synthetic Drug Awareness Act of 2017;**

**Chairman Walden** called for a vote on H.R. 449 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 4284, INFO Act of 2017;**

The Clerk recognized the amendment offered by **Representative Latta**. Representative Latta said the amendment would extend the deadline for the creation of a substance use dashboard from 16 days to 6 months. **Chairman Walden** called for a vote on Latta amendment. The Latta Amendment was adopted by voice.

**Chairman Walden** called for a vote on H.R. 4284 as amended to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5002, ACE Research Act;**

**Chairman Walden** called for a vote on H.R. 5002 as amended to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5009, Jessie's Law;**

The Clerk recognized the amendment offered by **Representative McKinley**. Chairman Walden called for a vote on McKinley amendment. The McKinley Amendment was adopted by voice.

**Chairman Walden** called for a vote on H.R. 5009 as amended to report to the house floor. *The bill was reported favorably to the house floor.*

**H.R. 5102, Substance Use Disorder Workforce Loan Repayment Act of 2018;**

**Chairman Walden** called for a vote on H.R. 5102 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5176, Preventing Overdoses While in Emergency Rooms Act of 2018;**

The Clerk recognized the amendment offered by **Representative Ruiz**. The amendment would remove the restriction prohibiting physicians from prescribing more than a one day supply of buprenorphine, increasing to 3 day supply. **Representative Ruiz** withdrew his amendment. **Chairman Walden** said they want to work with him on getting the amendment included in another bill.

**Chairman Walden** called for a vote on H.R. 5176 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5197, Alternatives to Opioids (ALTO) in the Emergency Department Act;**

The Clerk recognized the amendment offered by **Representative Pallone**. **Chairman Walden** called for a vote on Pallone amendment. The Pallone Amendment was adopted by voice.

**Chairman Walden** called for a vote on H.R. 5197 to report as amended to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5261, TEACH to Combat Addiction Act of 2018;**

**Chairman Walden** called for a vote on H.R. 5261 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5272, Reinforcing Evidence-Based Standards Under Law in Treating Substance Abuse Act of 2018;**

**Chairman Walden** called for a vote on H.R. 5272 to report to the house floor. The bill was reported favorably to the house floor.

**H.R. 5327, Comprehensive Opioid Recovery Centers Act 2018;**

The Clerk recognized the amendment offered by **Representative Guthrie**. **Chairman Walden** called for a vote on Guthrie amendment. The Guthrie Amendment was adopted by voice.

The Clerk then recognized the amendment offered by **Representative Lujan**. **Representative Guthrie** asked his colleagues to support Representative Lujan's amendment. **Chairman Walden** called for a vote on Lujan amendment. The Lujan Amendment was adopted by voice.

**Chairman Walden** called for a vote on H.R. 5327 to report as amended to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5353, Eliminating Opioid-Related Infectious Diseases Act of 2018;**

**Chairman Walden** called for a vote on H.R. 5353 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 3331, To amend title XI of the Social Security Act to promote testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology;**

The Clerk recognized the amendment offered by **Representative Matsui**. **Chairman Walden** called for a vote on Matsui amendment. The Matsui Amendment was adopted by voice.

**Chairman Walden** called for a vote on H.R. 3331 to report as amended to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5685, Medicare Opioid Safety Education Act;**

**Chairman Walden** called for a vote on H.R. 5685 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 3528, Every Prescription Conveyed Securely Act;**

The Clerk recognized the amendment offered by **Representative Mullen**. **Chairman Walden** called for a vote on Mullen amendment. The Mullen Amendment was adopted by voice.

**Chairman Walden** called for a vote on H.R. 3528 to report as amended to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 4841, Standardizing Electronic Prior Authorization for Safe Prescribing Act of 2018;**

The Clerk recognized the amendment offered by **Representative Johnson**. Chairman Walden called for a vote on Johnson amendment. The Johnson Amendment was adopted by voice.

**Chairman Walden** called for a vote on H.R. 4841 to report as amended to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5675, To amend title XVIII of the Social Security Act to require prescription drug plan sponsors under the Medicare program to establish drug management programs for at-risk beneficiaries;**

**Chairman Walden** called for a vote on H.R. 5675 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5686, Medicare Clear Health Options in Care for Enrollees (CHOICE) Act;**

**Chairman Walden** called for a vote on H.R. 5686 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5582, Abuse Deterrent Access Act of 2018;**

The Clerk recognized the amendment offered by **Representative Carter**. Chairman Walden called for a vote on Carter amendment. The Carter Amendment was adopted by voice.

**Chairman Walden** called for a vote on H.R. 5582 to report as amended to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5684, Protecting Seniors from Opioid Abuse Act;**

**Chairman Walden** called for a vote on H.R. 5684 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5333, the Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2018;**

The Clerk recognized the amendment offered by **Representative Latta**. **Chairman Walden** called for a vote on Latta amendment. The Latta Amendment was adopted by voice.

The Clerk then recognized the amendment offered by **Representative Pallone**. Representative Pallone's amendment would offer over the counter drugs 12 months of exclusivity from the time the manufacturer begins commercially marketing the product. The time period would give the industry time to recoup the cost of development. Asks for a roll call on the amendment.

**Representative Latta**, moved to speak in opposition of the amendment. The 18 month time period agreement is the product of significant bipartisan compromise, said Representative Latta.

**Representative Schakowsky** went on record opposing the 18 month exclusivity. Exclusivity weakens competition and raises prices for consumers, said Schakowsky. **Chairman Walden** called for a vote on Pallone amendment. Pallone Amendment is not adopted-30 No, 24 Yes.

**Chairman Walden** called for a vote on H.R. 5333 to report as amended to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5473, Better Pain Management through Better Data Act of 2018;**

**Chairman Walden** called for a vote on H.R. 5473 to report to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5554, Animal Drug and Animal Generic Drug User Fee Amendments of 2018; and**

The Clerk recognized the amendment offered by **Representative Hudson**. **Chairman Walden** called for a vote on Hudson amendment. The Hudson Amendment was adopted by voice.

The Clerk then recognized the amendment offered by **Representative Schakowsky**.

**Representative Barton** raised a point of order against the Schakowsky amendment.

**Representative Schakowsky** said she offered the amendment with the intent to withdraw, and followed such action.

**Chairman Walden** called for a vote on H.R. 5554 to report as amended to the House floor. *The bill was reported favorably to the House floor.*

**H.R. 5687, Securing Opioids and Unused Narcotics with Deliberate Disposal and Packaging Act of 2018.**

**Chairman Walden** called for a vote on H.R. 5687 to report to the House floor. *The bill was reported favorably to the House floor.*