

Opening Statement
Chairwoman Anna G. Eshoo
Subcommittee on Health
Committee on Energy and Commerce
Markup of 13 Bills
March 11, 2020

Today is the first markup in 2020. Since our last markup, our Subcommittee has been remarkably productive. We've held 8 hearings to consider 50 bills.

Today we will continue that progress by marking up 13 bills to improve Americans' health care and coverage, while also improving access to affordable and safe products regulated by the FDA. Nearly every bill we'll consider today is bipartisan.

We'll begin with the *Cosmetic Safety Enhancement Act*, which updates an 80-year-old federal law to increase federal oversight over the safety of cosmetics.

Next, we'll consider four bipartisan bills to improve the drug supply chain from the very beginning to the very end so that patients have access to quality products that are accurately labeled.

The *MODERN Labeling Act* will make sure generic drugs have up-to-date safety labeling.

The *Safeguarding Therapeutics Act* will protect against counterfeit medical devices.

The *National Centers of Excellence in Continuous Pharmaceutical Manufacturing Act* supports the development of continuous manufacturing technology to strengthen and modernize U.S. drug production.

The *Fairness in Orphan Drug Exclusivity Act* will close a loophole so that orphan drug exclusivity cannot be used to deny access to drugs for opioid use disorder.

Next, four bipartisan bills aim to prevent the single greatest tragedy a family can experience – the death of a child.

The *FASTER Act* requires food manufacturers to list sesame as an allergen on their products. An estimated eight percent of American children have food allergies, and the NIH recently found that sesame allergy is common among those children. Without clear labelling, they are at risk for a serious allergic reaction, even death.

The *School-Based Allergies and Asthma Management Program Act* also helps children at risk for allergic reactions by preferentially awarding children's asthma treatment grants to states whose public schools are ready to handle asthma and allergy emergencies.

We will also mark up the *Scarlett's Sunshine Act*. No family should suffer the death of a child without knowing why, yet over 400 children and 3,600 infants die each year from unexplained causes. The *Scarlett's Sunshine Act* provides funding to improve data collection and death scene investigations related to unexpected deaths and promotes safe sleep practices.

The *Healthy Start Reauthorization Act* invests \$135 million annually to improve birth outcomes in high-risk communities. The Healthy Start program has reduced rates of low birthweights, preterm births, and prenatal opioid exposure.

The *Ensuring Lasting Smiles Act* helps the four percent of children who are born with congenital anomalies such as cleft palate. Health plans often deny or delay claims for children with dental-related procedures. This practice leaves families in debt from high out-of-pocket costs despite paying for health insurance that should cover these procedures.

The final three bills reform core pieces of the Medicare and Medicaid programs.

The *BENES Act* updates the Part B enrollment process for the first time in 50 years. It requires Medicare to notify people nearing eligibility about their rights and responsibilities, protecting beneficiaries from a lifetime of financial penalties for failure to enroll promptly.

The *Protecting Patients Transportation to Care Act* requires state Medicaid programs to offer a non-emergency medical transportation benefit. Transportation to health services is a lifeline for patients, especially those who live in rural or underserved areas.

While Medicare covers a lifetime of dialysis, kidney transplant recipients currently lose their Medicare coverage 36 months after transplant. The *Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patient Act* closes that coverage gap. A nonpartisan HHS analysis found this policy would save 375 kidney transplants each year.

Today's markup is bursting with commonsense legislation that will improve the health and care for the American people, from the youngest to the oldest among us.

I'm proud to advance these 13 bills and continue our record of bipartisan productivity. I urge my colleagues to support these bills.