

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Health Chairwoman Anna G. Eshoo

Markup of 6 Bills

May 11, 2022

Today, our Subcommittee marks up 6 bipartisan bills.

First is the *Food and Drug Amendments of 2022* sponsored by myself and Mr. Guthrie. This bill includes the user fee agreements for drugs and medical devices.

It also includes rider legislation to speed the discovery of more cures, improve patient representation in clinical trials, and enhance the FDA's ability to fulfill their vital mission of ensuring the safety, efficacy, and quality of America's drugs and medical devices.

This package is an enormous legislative undertaking and I appreciate the thoughtful work of our Subcommittee Members in putting forward their ideas and the Committee staff for their work drafting the bill.

One issue is that the bill clarifies Congressional intent for FDA authority due to a few recent court rulings.

These clarifications should have gone through regular order and had a legislative hearing to avoid unattended consequences. For example, on the *Genus* decision, we clarify that contrast agents, radioactive drugs, and OTC monograph drugs should be treated as drugs, but left out ophthalmic products – eye dropper medications -- which will now need to be treated as both drugs and devices because of the decision. This must be reworked and corrected for the Full Committee markup.

The next bill is the *Restoring Hope for Mental Health and Well-Being Act* by Chairman Pallone and Ranking Member McMorris Rodgers. This legislation reauthorizes more than 30 important programs from SAMHSA and HRSA to supply more resources and support for mental health care and substance use disorder across the nation.

We'll also markup the *Kids CARE Act* from Reps. Hudson and Kuster to improve mental health screening for children in institutions and in schools under the Medicaid programs.

I support this commonsense, bipartisan mental health package.

I caution that our work to address the mental health crisis is not done.

May 11, 2022

Page 2

Just this week, *60 Minutes* and the *New York Times* exposed how suicidal teens are not getting the care they need. Hundreds sleep in emergency rooms each night awaiting help they need. I urge my colleagues to come together to support H.R. 7236, my *Strengthen Kids' Mental Health Now Act*. This bipartisan bill comprehensively addresses the full-blown pediatric mental health crisis we're urgently facing.

Today, we move forward the *ARPA-H Act*. This bipartisan bill is my top legislative priority and would establish the Advanced Research Projects Agency of Health as an independent agency within HHS.

ARPA-H will embody the nimble spirit of the highly regarded and successful Defense Advanced Research Project Agency (DARPA) to pursue large-scale, high-risk projects.

Our Committee needs to pass the ARPA-H legislation to provide the agency with the full authorities it needs to be successful from Day One, including ensuring that it will be a nimble, dynamic, and independent agency.

I'm pleased that Republican Leader Rodgers is working with me to amend the bill during the Full Committee's markup to ensure that the legislation creates a responsible agency with strict deliverables and clear lanes of authority to avoid duplication in our federal research programs.

Finally, we'll markup two important bills focused on medical research. First, the *South Asian Heart Health Awareness and Research Act* works to close health disparities in heart disease.

The second bill is the *Gabriella Miller Kids First Research Act 2.0*. We were honored to hear testimony about this bill from Gabriella's mother, Ellyn Miller last year and I'm proud that we're making good on our promise to Ellyn to move this important bill.

This markup is the culmination of months of work by this Subcommittee's members. Together, we've crafted a set of bills that are worthy of the American people.