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MARKUP OF:

H.R. 6511, H.R. 3325, H.R. 3891,

H.R. 5306, H.R. 6733, AND H.R. 6753

THURSDAY, SEPTEMBER 13, 2018

House of Representatives,

Committee on Energy and Commerce,

Washington, D.C.

The committee met, pursuant to call, at 10:05 a.m., in Room 2123, Rayburn House Office Building, Hon. Greg Walden [chairman of the committee] presiding.

Present: Representatives Walden, Barton, Upton, Shimkus, Burgess, Latta, Harper, Lance, Guthrie, Olson, McKinley, Kinzinger, Griffith, Bilirakis, Johnson, Long, Bucshon, Flores, Brooks, Mullin, Hudson, Cramer, Walberg, Costello, Carter, Duncan, Pallone, Rush, Green, DeGette, Doyle, Schakowsky, Matsui, Castor, McNerney, Welch, Lujan, Tonko, Clarke, Loeb sack, Schrader, Kennedy, Ruiz, Peters, and Dingell.

Staff Present: Mike Bloomquist, Staff Director; Samantha Bopp, Staff Assistant; Adam Buckalew, Professional Staff Member, Health; Daniel Butler, Legislative Clerk, Health; Karen Christian, General Counsel; Kelly Collins, Legislative Clerk, Energy and

Environment; Jordan Davis, Senior Advisor; Adam Fromm, Director of Outreach and Coalitions; Ali Fulling, Legislative Clerk, Oversight and Investigations, Digital Commerce and Consumer Protection; Caleb Graff, Professional Staff Member, Health; Zach Hunter, Director of Communications; Peter Kielty, Deputy General Counsel; Ed Kim, Policy Coordinator, Health; Ryan Long, Deputy Staff Director; Mary Martin, Chief Counsel, Energy and Environment; Drew McDowell, Executive Assistant; Brandon Mooney, Deputy Chief Counsel, Energy; James Paluskiewicz, Professional Staff, Health; Brannon Rains, Staff Assistant; Mark Ratner, Policy Coordinator; Jennifer Sherman, Press Secretary; Peter Spencer, Senior Professional Staff Member, Energy; Danielle Steele, Counsel, Health; Austin Stonebraker, Press Assistant; Josh Trent, Chief Health Counsel, Health; Madeline Vey, Policy Coordinator, Digital Commerce and Consumer Protection; Evan Viau, Legislative Clerk, Communications and Technology; Jacquelyn Bolen, Minority Professional Staff; Jeff Carroll, Minority Staff Director; Elizabeth Ertel, Minority Office Manager; Jean Fruci, Minority Energy and Environment Policy Advisor; Tiffany Guarascio, Minority Deputy Staff Director and Chief Health Advisor; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Una Lee, Minority Senior Health Counsel; John Marshall, Minority Policy Coordinator; Dan Miller, Minority Policy Analyst; Alexander Ratner, Minority Policy Analyst; Tim Robinson, Minority Chief Counsel; Samantha Satchell, Minority Senior Analyst; and Tuley Wright, Minority Energy and Environment Policy Advisor.

The Chairman. If the committee would come to order, and members and guests and staff take their seats. I am going to call the Committee on Energy and Commerce to order and recognize myself for an opening statement.

This morning we are here to mark up six bipartisan pieces of legislation that have been thoughtfully considered by two of our four distinguished subcommittees. We will consider a bill to prohibit the so-called gag clauses that have limited a pharmacist's ability to inform a customer about the lower cost out-of-pocket price of a prescription.

This issue was first brought to my attention by Michelle, who is a pharmacist, from Grants Pass, Oregon. She told me how she was precluded under certain circumstances on insurance contracts from sharing such information with consumers.

Banning these gag clauses has bipartisan support in both chambers, and I hope we can move this legislation forward today.

We will take a look at another important bill that will give the administration additional authority to better detect and stop fraud and abuse in the healthcare system. We will also consider three bills in the Medicaid space that will help ensure that beneficiaries are receiving the support and care they deserve in the setting that works best for them.

Mr. Guthrie and Mrs. Dingell's bill, H.R. 5306, for example, extend funding for the Money Follows the Person Demonstration Program, MFP Demonstration, in Medicaid. It is a very popular initiative, as you all know, which has been very successful.

We will also consider a bill authored by Mr. Walberg and Mr. Welch, H.R. 3891, that will improve the authority of the State Medicaid fraud control units, broadening their authority to investigate abuse and neglect of Medicaid beneficiaries.

We will also consider H.R. 3325. This is the ACE Kids Act. It is authored by Energy and Commerce's vice chairman, Joe Barton, and Representative Kathy Castor,

which will address current challenges by giving States a new option through the existing health home model to coordinate care for children with medically complex conditions.

Last but not least, we will consider Mr. Barton and Mr. Rush's bill, H.R. 6511. This is the Strategic Petroleum Reserve Reform Act. We have been hard at work identifying ways to modernize the Department of Energy in the bill before us today to authorize a pilot leasing program at SPR is another important step. SPR is one of the Nation's most valuable energy security assets, but it is 50 years old, and the time has come to make significant upgrades to ensure it remains mission ready in the years ahead.

Now, as Hurricane Florence bears down on the East Coast, and we keep all of those folks in its path in our minds and in our prayers, we should remember that we called on the SPR last year to address short-term emergency supply disruptions from Hurricane Harvey. Now, I pray we won't need to use the SPR again, but it is reassuring to know that we have it in case of an emergency.

H.R. 6511 will help attract commercial investments to offset the costs of improving SPR's caverns and aboveground facilities, with the ultimate goal of modernizing the SPR so it is more resilient and better equipped to respond to an emergency energy disruption.

Today we have a great opportunity improve patient care, reduce healthcare fraud, and modernize the Department of Energy's long-term energy security mission. So I urge my colleagues on both sides of the aisle to join me in supporting the six bipartisan bills, and look forward to advancing them to the full House of Representatives for consideration.

I now recognize my friend from New Jersey, Mr. Pallone, for 3 minutes for an opening statement.

Mr. Pallone. Thank you, Mr. Chairman.

Today we will be marking up, as the chairman mentioned, six bipartisan bills, five from our Health Subcommittee and one from our Energy Subcommittee. Three of the bills will enhance Medicaid, our Nation's largest health insurer. And I would like to thank Representatives Castor and Barton for all their hard work on the ACE Kids Act. This bill aims to improve care coordination for children with medically complex conditions in the Medicaid program. Better care coordination can help lead to better outcomes for the child, and that is why it is important to move this legislation forward.

Then we have the EMPOWER Care Act, proposed by Representatives Dingell and Guthrie. We authorize this funding for the Money Follows the Person Program. And this program assists people who want to transition from institutional care to care in their community. And I urge support for this important bill.

I also support a bill introduced by Representatives Welch and Walberg that expands the authority of Medicaid fraud control units to investigate and prosecute Medicaid fraud and beneficiary abuse and neglect in noninstitutional settings. This legislation is particularly important as more Medicaid beneficiaries begin to receive care outside of institutions.

And we will also review a discussion draft that bans the so-called gag clauses in Medicare as well as the private health insurance market that can limit pharmacists from informing consumers that their prescription may be purchased for a lower price if paid out-of-pocket instead of through their insurance plan. This is a good bill. But I would like to reiterate something that I said during our subcommittee markup, and that is that this legislation cannot and should not be our only effort to reduce drug prices this Congress. For the last 2 years, committee Democrats have been demanding that we do more to help reduce prescription drug prices. And with the exception of this bill today, committee Republicans have refused to join us in finding meaningful solutions to this

ongoing problem.

And finally, we will mark up the Strategic Petroleum Reserve Reform Act introduced by Vice Chairman Barton and Ranking Member Rush. This bill would set up a pilot program to facilitate the leasing of unused storage space in the reserve, while attempting to ensure the government and taxpayers benefit from those leases.

And so I want to thank all the members for their ongoing work on these bills, and yield back, Mr. Chairman.

The Chairman. The gentleman yields back.

Before I recognize others, I want to just draw the committee's attention and say a quick note, that this is the last full committee markup for Jen Sherman, actually known as Sherm, from our majority communications staff. Tomorrow is her last day at the committee after nearly 3 years of service as our healthcare press secretary. So Jen is heading off the Hill to start a new adventure, but she will always be welcome back at the Energy and Commerce Committee. We are excited for her in this new opportunity. We are, of course, sad to see her go.

Thank you, Jen.

And now, members seeking recognition?

For what purpose, Mr. Barton.

Mr. Barton. To make an opening statement.

The Chairman. The gentleman is recognized. Strike the last word, and recognized for 1 minute.

Mr. Barton. Thank you, Mr. Chairman.

I have been on this committee for 32 years. I think this is the first day I have had two bills ready to be marked up at the same time. And it is also one of the few times since I became Medicare eligible I have been on time at the markup. So I am delighted

to be here.

I want to thank my cosponsors on the Democrat side, Kathy Castor and Bobby Rush. It is more credit to them than to me that these bills have gotten this far.

The strategic petroleum bill is an attempt to modernize and repurpose the SPR. We are the world's largest oil producer now, according to EIA. We don't need a 1 billion barrel reserve. We have got 2- to 300 million barrels of excess capacity. Mr. Rush's bill and my bill would allow the private sector to lease some of that space and allow the revenue generated to help modernize and maintain the SPR. It is a straightforward bill.

The ACE Kids Act has been under review for 6 years. It makes it possible, without expanding coverage or expanding the eligible base, to give better care for our most desperately in need of medical help -- children -- that have double medically complex conditions that are simply horrendous.

So both are good bills and, hopefully, they will both pass unanimously.

The Chairman. I thank the gentlemen.

Other members seeking recognition?

Mr. Green, for what purpose do you seek recognition?

Mr. Green. I move to strike the last word.

The Chairman. The gentleman will be recognized for 1 minute.

Mr. Green. I want to thank Chairman Walden and Ranking Member Pallone for holding today's full committee hearing. I am pleased that our committee has come together and is expected to pass all six bipartisan bills we are considering this morning, supporting all six bills and I ask my colleagues to join in support.

I am particularly happy to see the ACE Kids Act, H.R. 3325, receive strong bipartisan support in this legislation introduced by Representative Joe Barton and Kathy Castor. It would improve the delivery of care for children with complex medical

conditions served by Medicaid.

I have been an original cosponsor of this legislation since 2014. I know I heard Joe Barton say it was 6 years. We are not Appropriations Committee, maybe I have only been a cosponsor for 4 years. This bill has gone -- will go far in helping our most vulnerable population receive the care they need. And I look forward to the ACE Kids Act being considered before the full House in the coming weeks.

Again, Mr. Chairman, I thank you for holding today's hearing. I yield back my time.

The Chairman. I thank the gentleman, and he yields back.

Other members seeking recognition on the Republican side?

Going once, going twice.

Mr. Carter, for what purpose do you seek recognition?

Mr. Carter. I move to strike the last word.

The Chairman. Recognized for 1 minute.

Mr. Carter. Mr. Chairman, I am pleased that this committee is taking action to prohibit gag clauses in group and individual health plans in addition to Medicare Advantage drug plans in Medicare part D. After our successful Health Subcommittee markup on the discussion draft last week, I am proud to have introduced H.R. 6733, the Know the Cost Act of 2018. I have introduced this bill with my good friends: Congressman Doggett and Paulsen, as well as Congressman Welch, McMorris Rodgers, Eshoo, Griffith, Dingell, Health Subcommittee Chairman Burgess, and Health Subcommittee Ranking Member Green. It will allow pharmacists to properly advise their patients on the option to potentially spend less by paying out-of-pocket rather than with insurance.

Banning gag clauses has received national support from State legislatures, both



chambers of Commerce, HHS, and the President. As the only pharmacist currently serving in Congress, I know all too about the constraints placed on pharmacists as part of take-it-or-leave-it contracts where the pharmacist has no other option if they want to continue providing care for their patients in their community.

I applaud the committee for taking action to address a concern that impacts a significant number of medications and forces people to pay more for their medication.

In addition, this bill has received support letters from the American Medical Association, the National Association of Chain Drugstores, Global Healthy Living Foundation, which I would like to ask for unanimous consent for to submit to the record.

The Chairman. Without objection.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Carter. I want to thank you, Mr. Chairman, for holding this important markup today and for including this critical legislation. I look forward to passing this legislation on to the House floor. And I thank you, and I yield back.

The Chairman. The gentleman yields back.

Other members seeking recognition on the Democratic side?

Seeing none, any on the Republican side?

Mr. Walberg, you are recognized for 1 minute. Strike the last word.

Mr. Walberg. Thank you, Mr. Chairman and Ranking Member Pallone, for holding this markup today and for including H.R. 3891 as part of the package of bills being considered. I would also like to especially thank my colleague from Vermont, Mr. Welch, for his collaboration on this truly bipartisan issue.

Medicaid fraud control units are charged with investigating and prosecuting State and Medicaid provider fraud and resident abuse complaints in Medicaid funding healthcare facilities. Nationally, Medicaid fraud control units contributed to 2,500 convictions and \$1.8 billion in recovered funding in 2017. They are a vital instrument of justice for protecting Medicaid beneficiaries from abuse. However, current law prevents these units from investigating cases of patient abuse in noninstitutional settings such as home-based care.

Last week, we heard testimony from the Kansas attorney general about how their Medicaid fraud units have turned a blind eye to cases of abuse simply because the abuse occurred in a noninstitutional setting.

Mr. Chairman, this arbitrary restriction does not make sense. There has been a substantial growth in home and community-based services since the initial statute was enacted decades ago. It is time that we update the law so we are not needlessly tying the hands of those who are charged with protecting the most vulnerable.

H.R. 3891 provides a commonsense update that will allow States the option to expand their fraud unit scope so they can combat patient abuse whenever and wherever it may occur.

The legislation has broad bipartisan support, including the National Association of Attorneys General. I thank the committee for acting on the support and piece of bipartisan legislation, and I encourage its approval.

I yield back.

The Chairman. The gentleman yields back.

Other members?

The chair recognizes the gentleman from Vermont, Mr. Welch.

Mr. Welch. I just want to associate myself with the remarks of Mr. Walberg. This is a simple piece of legislation that is overdue. As Mr. Walberg said, an immense amount of Medicaid is delivered in home settings, also some transportation settings. When the Medicaid fraud units were initially organized, all Medicaid was done in an institutional setting.

It is much better, most of the time, for people to be at home, if they can. It is much more comfortable for them many, but there is a potential for fraud. And right now, fraudsters have kind of a free ride because our enforcement agencies, as Mr. Walberg said, don't have the authority to pursue claims when the fraud is taking place in noninstitutional settings.

So this is going to enable our local attorney generals to do the job that they have been doing in the institutional setting. And it is also going to be a deterrent for would-be fraudsters because they don't have that blind eye. They now have to deal with the vigilance of an aggressive attorney generals fraud unit. So I join Mr. Walberg in encouraging our colleagues to support this legislation. Thank you.

I yield back.

The Chairman. I thank the gentleman.

Other members seeking recognition?

The gentleman from Florida, Mr. Bilirakis, recognized for 1 minute. Strike the last word.

Mr. Bilirakis. Thank you, Mr. Chairman. I appreciate it.

I wanted to speak on the ACE Act. And I want to thank you for hold up this -- holding this markup. Not holding it, upholding it. I am excited that the committee will be advancing ACE Kids to the House for future vote. This is a bill that I have been a supporter of for many, many years.

In the Tampa area, we have St. Joseph's Children's Hospital. They run a chronic complex clinic for children. This medical home is a great model that ACE Kids is trying to build on, this intricate care model where the care is built around the needs of the patient. It has made a huge difference in our area.

Mr. Chairman, I am excited that we are finally reaching the finish line on ACE Kids. I want to thank, of course, Chairman Barton and Representative Kathy Castor and all the cosponsors for their hard work on ACE Kids and being able to bring one step closer to passage. And I appreciate it very much.

Mr. Chairman, I yield back.

The Chairman. The gentleman yields back.

Other members seeking recognition?

If not, the chair now calls up H.R. 6511 and asks the clerk to report.

The Clerk. H.R. 6511, to authorize the Secretary of Energy to carry out a program to lease underutilized strategic petroleum reserve facilities, and for other purposes.

The Chairman. Without objection, the first reading of the bill is dispensed with.

The bill will be open for amendment at any point.

[The bill follows.]

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The Chairman. Are there bipartisan amendments to the bill?

Mr. Barton. Mr. Chairman.

The Chairman. For what purpose does the gentleman seek recognition?

Mr. Barton. I have a bipartisan amendment.

The Chairman. The clerk will report the amendment.

The Clerk. Amendment to H.R. 6511 offered by Mr. Barton.

The Chairman. Without further objection, further reading of the amendment is dispensed with.

[The amendment of Mr. Barton follows:]

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The Chairman. The chair recognizes the gentleman from Texas, Mr. Barton, for 5 minutes to speak on his amendment.

Mr. Barton. Thank you, Mr. Chairman.

This amendment is straightforward and very simple. This amendment would make it possible to use some already appropriated funds that are in an account controlled by the Department of Energy to make necessary improvements to allow -- if our bill becomes law, to allow the Department of Energy to modernize the equipment and make sure that the structural integrity of the underground storage caverns is sufficient to store some of the private sector oil, if and when that is allowed to be put into the reserves.

It is simply prime-the-pump amendment so that we clarify and stipulate that -- I think there is about \$700 million that is already been appropriated that it is in an account at DOE. Some of those moneys can be used to make it possible to lease the SPR. It is simply a straightforward amendment explicitly stating law that those funds can be used for that purpose.

As you all -- as most of us know, if you are going to do something, normally you have to put some money into a project upfront, and that is what this amendment does.

The Chairman. The gentleman yields back.

Are there other members seeking recognition to speak on the bipartisan amendment?

Mr. Rush. Mr. Chairman.

The Chairman. The chair recognizes the gentleman from Illinois, Mr. Rush, 5 minutes. Strike the last word.

Mr. Rush. Thank you, Mr. Chairman.

Mr. Chairman, I wanted to just say that, in the interest of time, I think that this is an amendment that the Democratic side would support.

So I yield back.

The Chairman. All right. And the gentleman yields back.

Are there other members seeking recognition on the Barton-Rush amendment?

Seeing none, the question now rises on passage of the Barton-Rush amendment.

All those in favor will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it, and the amendment is adopted.

Are there other amendments?

For what purpose does the gentleman from Massachusetts seek recognition?

Mr. Kennedy. Good morning, Mr. Chairman. I have amendment at the desk.

The Chairman. The clerk will report the --

Mr. Shimkus. Mr. Chairman.

The Chairman. Could we have the clerk report the amendment?

Mr. Shimkus. Okay.

The Clerk. Amendment to H.R. 6511 offered by Mr. Kennedy.

The Chairman. Without objection. Further reading of the amendment is dispensed with.

[The amendment of Mr. Kennedy follows:]

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The Chairman. For what purpose does the gentleman from Illinois seek recognition?

Mr. Shimkus. Mr. Chairman, I reserve a point of order against the amendment.

The Chairman. The gentleman reserves a point of order against the amendment.

The chair now recognizes the gentleman from Massachusetts, Mr. Kennedy, for 5 minutes to speak on this amendment.

Mr. Kennedy. Thank you, Mr. Chairman.

As this bill seeks to modernize the strategic petroleum reserve, this amendment would fill a critical gap in our Nation's energy security. The SPR is an emergency source of unrefined crude storage which can be used under emergency circumstances causing significant disruption in the global oil markets. However, there remains a limited supply of refined petroleum products in cases of national emergency or severe disruption.

Access to gasoline and other refined products is essential during such emergencies, including recoveries from national disasters and major storms. And as a historic hurricane bears down on southeastern United States this week, with millions of families displaced and many unable to evacuate, fuel security should be one of the last things families worry about when the storm clears.

In New England, we have experienced gas shortages caused by massive storms, including blizzards and hurricanes. Superstorm Sandy in 2012 left inadequate fuel supplies in the tristate area for months, as supply chains sought to rebuild. In their wakes, hurricanes Katrina and Rita in the Gulf Coast disrupted both regional and national gasoline and diesel fuel prices.

This amendment would build upon work already undertaken. As part of the Quadrennial Energy Review, the Department of Energy discussed the need to prepare for disruption of the fuel supply. Quote: One is to develop strategic and regional

stockpiles of oil and refined petroleum products to help respond to shortfalls caused by breakdowns and liquid fuel infrastructure, regardless of cause, end quote.

DOE established the Northeast Gasoline Supply Reserve in 2014 as one mitigation strategy. Specifically, this amendment will require the Secretary of Energy to undertake a rulemaking for the development, the maintenance, and the operation of regional refined petroleum reserves in regions across the United States, including but not limited to, the northeast, the southeast, and the West Coast. It would also be flexible to include fuels of particular need depending on the region, not just gasoline.

This process should be open and collaborative and include robust public input and by Congress' support for this program by authorizing reserves in law for the first time.

Mr. Chairman, with Hurricane Florence bearing down on the East Coast, hurricanes like Isaac and Helene lurking in the Atlantic, and on the heels of Hurricanes Harvey, Irma, and Maria last year, larger and deadlier storms are becoming all too regular. We must take the initiative, including actions like regional gasoline reserves, to prepare for and help in the recovery effort.

I want thank my colleagues, Representative McNerney, Representative Castor, Representative Butterfield, for their support. I yield to Ms. Castor for a minute of my time.

Ms. Castor. Well, I thank Mr. Kennedy for offering this very constructive idea for modernization of the SPR.

Coming from the State of Florida, I have seen firsthand how these extreme weather events and hurricanes and tropical storms can disrupt the gasoline supply. So following through with expert recommendations to say let's create some regional centers will be very important, because as the climate continues to change, we have got to be sure that we have gasoline and fuel supplies spread across the country, especially in

hurricane-prone regions where we often run into gas shortages in the wake of a storm. That is why I have cosponsored this amendment.

I understand that the committee sponsor of the bill is interested in this idea, and I encourage everyone to work on this as the bill moves forward. And I thank Mr. Kennedy for this very constructive idea, and yield back my time.

Mr. Kennedy. Mr. Chairman, I have had a couple of conversations this morning. We offer this amendment in good faith. This was not an attempt to slip something through. We offered it last night. We did not try to -- well before committee deadline of this morning. Mr. McNerney spoke about this issue in the subcommittee markup. Ranking Member Pallone has mentioned the issue as well.

I understand there is some concern on -- from my colleagues on the other side of the aisle. I am willing to withdraw the amendment if I can get a commitment for a hearing on this issue before the end of this Congress. I think it is an important one. As I mentioned, there is a major storm in the southeast as we speak, there is others lined up. And we saw from hurricane -- from Superstorm Sandy that there is a need for this.

So I open and offer it to our colleagues on the other side of the aisle. If you are willing to work with us on this, I am very happy to withdraw the amendment.

The Chairman. To whom are you addressing the -- it is on your time. Are you yielding?

Mr. Kennedy. Yes, I yield to you, Chairman.

The Chairman. Well, we are happy to have a discussion with you about it. We just saw the amendment last night for the first time. I know that in a bipartisan way there were lots of discussions going on for several weeks on this bill. We thought we had everything in a good place, so this amendment was a bit of a surprise last night.

But, obviously, we are all concerned about making sure that every region in the

country has access to fuel in an emergency. I know the Department of Energy has some views on this. I might yield to the gentleman who chairs the Energy Subcommittee, Mr. Upton.

Mr. Upton. Well, I just might want to say as well -- I appreciate you yielding. I just want to remind the committee that when we had the hurricanes from last year, there were a number of us in a bipartisan basis that actually traveled to the Virgin Islands as well as to Puerto Rico. Dr. Burgess went a couple times as well.

I would imagine that if this hurricane is as bad as it appears, that we will have an opportunity either to have a hearing -- that will be the chairman's determination. This I would have to imagine would be an issue that we would take a look at. For me, and, again, I only heard about the amendment this morning, because I was not here when it was filed last night, I am comfortable with actually looking at having the Department to do a study on this, which I think is important, before we would actually get to an amendment. I know that the gentleman in good faith wants to move, but for sure I would have to say that when the dust clears and the storm that is there, that we will all be having an anxious look as to how we can be better prepared in the future.

Mr. Kennedy. Chairman, if I may, my understanding is that the Department of Energy has already conducted -- has done some research on this issue.

Mr. Upton. I am not sure that it is done, right?

Mr. Kennedy. So --

Mr. Upton. I am hearing that they don't have it done.

Mr. Kennedy. Oh.

Mr. Upton. There was a GAO study, I think, but not DOE. Is that right?

So I am told that GAO made a recommendation that DOE complete the study, but that is --

Mr. Kennedy. And, Chairman, respectfully, I have not gone through every page of the QER, but from what I understand --

Mr. Upton. I haven't either.

Mr. Kennedy. -- the QER, it is mentioned -- brought up in the QER. So I -- again, this was -- there was no intent here to try to surprise anybody with it. We didn't file this this morning --

Mr. Upton. I understand.

Mr. Kennedy. This comes from a genuine effort to try to move forward on this. If we -- if there is agreement to have a hearing on it, I will happily withdraw it. I understand that time is limited between now and the end of this Congress when we don't have a ton of legislative days left, and there is going to be, I assume, an awful lot on the plate. So I respectfully, I would feel more comfortable with a commitment for maybe some sort of hearing on it rather than just a broad based discussion, if that is possible.

Mr. Barton. Will the gentleman yield?

Mr. Kennedy. Yes, sir.

The Chairman. Actually, the gentleman's time has expired. So I would recognize the gentleman from Texas to speak on the amendment.

Mr. Barton. Thank you.

I rise in puzzlement about this amendment, Mr. Chairman. I think it has some merit, as we said in our private conversation. I would ask the gentleman from Massachusetts, since we apparently have some sort of a reserve right now according to your verbal comments to me in New Jersey and New York. Is that correct?

Mr. Kennedy. That is my understanding, sir.

Mr. Barton. If perhaps you withdraw the amendment and let us research the two existing reserves we have, see if they have ever been used, what the cost is, things like that. And I would be very willing to sign a letter and get my senior members, Mr. Upton and Mr. Walden, and perhaps others, with whoever you want on your side, to the Department of Energy to take a look at that existing reserve, get back to us in a timely fashion. And then if we need to do a hearing, I think Mr. Upton, after receipt of that, would probably be amenable.

Mr. Upton. If the gentleman will yield just for a moment.

Mr. Barton. I yield back to Mr. Kennedy.

The Chairman. It is your time. You need to yield to Mr. Upton.

Mr. Upton. I would just like to read one sentence in this GAO -- Strategic Petroleum Reserve Report, page 38. It says: Recommendation 3, the Secretary of Energy should conduct complete studies on the cost and benefits of regional petroleum product reserves for all of the regions of the U.S. that have been identified as vulnerable to fuel supply disruptions and report the results to Congress.

So that was the recommendation to DOE to do so, but they have, in fact, as I understand it, not begun to engage in such a study.

Mr. Pallone. Would the gentleman yield to me?

Mr. Barton. I would be happy to yield to the distinguished ranking member.

Mr. Pallone. Well, I just wanted say that I do think this amendment by Mr. Kennedy is very important. When Hurricane Sandy struck New Jersey, it caused a lot of issues related to the availability of gasoline. And then, of course, Obama and Secretary Moniz established this first Federal regional reserve, you know, for the northeast. And it currently holds a million barrels of gasoline. And the problem that I see is the President, President Trump, has proposed to eliminate it, which I think is incredibly foolish. And I think we should be thinking of ways to expand regional gas reserves in the southeast and other places. And that is what the Kennedy amendment will do.

It codifies the existing gasoline supply reserve in the northeast and establishes two new reserves in the southeast and on the West Coast. And we are already seeing reports of gasoline shortages in North Carolina and South Carolina as Hurricane Florence approaches.

I mean, I don't -- it doesn't look like we are going to get a guarantee of a hearing, Mr. Kennedy. So you are going to have to decide if you want to move forward with this. I would like to see a guarantee of a hearing because I think that, without it, we don't

really know what is going to happen here, particularly since the President is trying to eliminate the one existing reserve that we have. So -- but I didn't and I am not trying to put words in your mouth, Mr. Chairman, but I didn't hear you say that we would have a hearing, so -- and he just tells me that that is correct, so --

The Chairman. Well, you are not putting words in my mouth is correct.

Mr. Barton. If I could reclaim my time. First, reclaim my time. Second, I will yield to the chairman.

The Chairman. Thank you, Mr. Barton.

Let me just say, first of all, we just saw this amendment last night for the first time. The parliamentarians have told us it is not germane to the bill, so that is the point of order that Mr. Shimkus has reserved. I would prefer not to go down that path, that tends to divide us.

We have worked in a bipartisan way throughout weeks with the Department of Energy, Democrats and Republicans, to get to this point with this bill. It was only last night this amendment pops up. So I would encourage the gentleman to work with us and the Department. We are happy, you have heard, to work with you on this. I don't want to guarantee a hearing. I don't know what the hearing schedule is going to look like and a hearing specific on this issue, but no doubt we are going to look at post-hurricane efforts, like we have consistently, and this issue obviously would come up in that context. That is the only reason I am hesitating in committing to a hearing.

But I think you have heard from Mr. Upton and Mr. Barton in good faith. They will join with you, letter all of this, and we are happy to work with you. It is just -- so I would encourage you to withdraw your amendment, would be my suggestion.

Mr. Barton. I am willing, on my own volition, to call the Secretary of Energy, who is a personal friend of mine, and say, let's get some people up here and brief you and me



and anybody else. It wouldn't be a hearing, but it would be real bodies from the Department of Energy. We can meet in your office, my office, committee, give us -- and get what the facts are. I am unwilling to commit that we are going to accept the amendment, because I have serious concerns about the practicality of storing refined gasoline that has the oxygen already in it. As you know, it has a finite shelf life. And if we have been storing a million barrels of gasoline in New York and New Jersey for the last 5 years, that has cost a lot -- it has cost somebody a lot of money --

The Chairman. \$10 million to \$30 million per year.

Mr. Barton. -- to do. So, you know, crude oil lasts forever; refined gasoline basically has to be used within a couple of months, once you actually put the oxygen in it. So I have a practical concern. I don't have a political concern. It is pure dollars and cents practicality. But I think it is worth looking at, and I will help make sure we get it studied in the remaining time I have in this Congress.

Mr. Pallone. Mr. Chairman, could we hear from Mr. Kennedy?

Mr. Kennedy. Thank you, Chairman.

I appreciate your comments. What I would add is, respectfully, the issue I don't think comes as a surprise, given the fact that a number of members at least on our side have talked about it over the course of the subcommittee hearing, and Mr. McNerney and Mr. Pallone's comments. Again, I understand we introduced the amendment last night. There was -- the deadline for amendments was this morning. It was an open -- it was an open process, from what I understand.

The Chairman. Did the gentleman have an amendment at the subcommittee on this?

Mr. Kennedy. No. Where I was working with Mr. McNerney on it, he spoke about it in his comments. So I did not offer it, based off of the conversation that he had

and his comments. I was under the understanding that this was something that was an issue and that people knew that this was an issue that we were working on.

What I say, Chairman, and I would point out it is, in fact, mentioned in the Quadrennial Energy Review in 2015. All that being said, my math skills aren't great, but I can count. So I take the chairman, the former chairman, and the former former chairman at their word. That is a lot of chairmen, take them at their word that they are going to be willing to work with us to -- in good faith -- to try to make -- to try to see if there is a way forward here, answer any practical concerns. Obviously, input from the Energy Secretary would be helpful. I would also, based off the prior analysis already done by the Energy Department indicating that such reserves would be helpful to have.

So with that, I --

Mr. Pallone. Before you withdraw, can I just -- I don't know whose time it is.

Mr. Barton. My time has expired 1 minute and 41 seconds --

Mr. Pallone. Can I strike the last word on my own time?

The Chairman. Yes, you may. The gentleman is recognized for 5 minutes.

Strike the last word.

Mr. Pallone. Can I suggest this, and I don't know what the response is going to be from the Republican side. My concern is, and I am sure you share it, is that since this is not legislative, the northeast reserve, right, that at any time, I guess in theory, the President could just say, we are not doing it anymore. I could be wrong about that, but that would be my fear.

I mean, what we are trying to do is move in the direction of saying keep the northeast reserve and try to expand it so we have one in the southeast and the west, whatever. So, I mean, could we at least get a commitment from you, Mr. Chairman or Mr. Barton, whatever, that that is the goal? In other words, that we don't want to get

rid of the one reserve we had, and we would like to seriously look to expanding it and that, you know, that you kind of support that effort.

Because, you know, given what is going on now, if we go in the opposite direction, which seems to be what the President wants, it would be kind of catastrophic. So can we at least say that the goal here, on a bipartisan basis, is to at least keep what we have and see if we can move in the direction of looking for new ones?

The Chairman. Is the gentleman yielding?

Mr. Pallone. Sure.

The Chairman. So in response, the commitment is we are happy to take a look at this issue. I am not going to prejudge the conclusion and I can't speak for my members. And so our request today, having gone through what we thought was a very open and bipartisan process to get the bill to this point, and we thought everything had been worked out, is that the gentleman from Massachusetts withdraw his amendment, which is not germane to the bill to begin with.

I yield back.

Mr. Pallone. Oh, it is my time. I yield to Mr. McNerney and then to Mr. Green.

Mr. McNerney. I thank the ranking member.

I appreciate the underlying bill. It is important. It is necessary to move forward with SPR reform, but I did mention this in the legislative hearing and in the subcommittee markup that we needed regional reserves. Now you all have hurricanes and superstorms on the East Coast. We have got earthquakes on the West Coast, so we need some way to protect our local economies and the national economy. So I think this is an important amendment. I thank Mr. Kennedy for offering it.

And I understand why you don't want to let this move forward, because it might kill the bill, but we are going to hold you to holding additional, not hearings, but

additional work on this, and we need to make sure that it happens. And I know that Mr. Barton raised some legitimate concerns about the practicality of storing gasoline, but I think those are technical issues; we can get by those. So this is a pragmatic issue, we need to work on it sort of like an engineering problem and get it solved.

I yield back to the ranking member.

Mr. Pallone. I yield to Mr. Green.

Mr. Green. I thank the ranking member for yielding to me.

Mr. Chairman, I think a hearing would be appropriate since we have a million barrels of refined product. Now, gasoline with E-10 does not have a long shelf life. As Congressman Barton mentioned, crude oil will last forever. You take it out of the ground, you put it back in in a reserve. But I don't see why we wouldn't want to look and see what is happened over the last few years and Sandy with this one refined product reserve. But, again, a million barrels of refined product is not going to last forever like a million barrels of crude oil in the ground, so I think it is worthy of a hearing.

So I yield back my time.

Mr. Pallone. I don't know if anybody else wants the time.

The only other thing -- oh, yeah, Mr. Kennedy. I yield to him.

Mr. Kennedy. Thank you. And I will be brief and I will close.

Again, referencing the QER from 2015, page 2-34 indicates that for southeast refined product reserve cost-benefit analysis, quote: "In 2011, the Department of Energy carried out a cost-benefit study of the establishment of a southeast refined petroleum -- refined product reserve. This study estimated that such a refined petroleum product reserve would reduce the average gasoline price by 50 percent to 70 percent in the weeks immediately after hurricane landfall, resulting in consumer cost savings.

It outlines West Coast regional refined petroleum cost reserve on benefit -- cost-benefit analysis as well. So there are studies out there.

I think at this point, again, chairman and former chairman and former former chairman, I will take you gentlemen at your word. My goal on this is to actually do something on it.

Mr. Barton. I will make the call in your presence within 2 hours of the markup concluding. I guarantee it. I have got his private cell phone. I can get him on the phone.

Mr. Kennedy. And what is that number, sir?

The Chairman. The gentleman's time has expired.

Mr. Barton. I don't have it memorized. I am prepared.

The Chairman. Does the gentlemen insist on his point of order or is the gentleman going to withdraw his amendment?

Mr. Kennedy. I withdraw the amendment, sir.

The Chairman. The gentleman withdraws his amendment.

Is there further discussion of the bill?

The question now occurs on favorably reporting H.R. 6511, as amended, to the House.

All those in favor shall signify by saying aye.

Those opposed, no.

The ayes appear to have it. The ayes have it. The bill is reported favorably, as amended.

The chair calls up H.R. 3325 as forwarded by the subcommittee on health on September 7, 2018, and asks the clerk to report.

The Clerk. H.R. 3325, to amend title XIX of the Social Security Act to provide

States with the option of providing coordinated care for children with complex medical conditions through a health home, and for other purposes.

The Chairman. Without objection, further reading of the bill is dispensed with. The bill will be open for amendment at any point.

[The bill follows:]

\*\*\*\*\* INSERT 1A-1 \*\*\*\*\*

The Chairman. Are there any bipartisan amendments to the bill?

For what purpose does the gentleman seek recognition?

Mr. Barton. Mr. Chairman --

The Chairman. The gentleman is recognized. Strike the last word.

Mr. Barton. Okay. I ask that we restore order to the committee first.

Mr. Barton. Thank you, Mr. Chairman.

I have a bipartisan amendment. This has been agreed --

The Chairman. The clerk needs to report the amendment. The gentleman will suspend. The clerk will report the Barton amendment.

The Clerk. Amendment to H.R. 3325, offered by Mr. Barton.

The Chairman. Without objection, further reading of the amendment is dispensed with.

[The amendment of Mr. Barton follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

The Chairman. The gentleman from Texas is recognized to speak on his amendment.

Mr. Barton. Thank you.

This amendment, Mr. Chairman, as I said just a few seconds ago, is a bipartisan amendment. It has been worked on both with the Republicans and the Democrats and also all our stakeholders. The intent is to improve the care of children with complex medical needs. It is the right thing to do. It shows that we can still work together in Washington on commonsense solutions.

This bill uses a successful and cost-efficient health home model to provide care coordination to our most vulnerable children. Caring for these children requires many specialists, countless support services that few of us ever, ever need. ACE Kids provides a mechanism for States to voluntarily, and I want to emphasize voluntarily, adopt a home health model that has proven successful in other parts of the healthcare industry. It ensures that these medically complex children receive the multiple levels of care that they need, that that care is coordinated, and that the care is given at the right time, and that it avoids duplication. This amendment clarifies the existing language on exactly who can participate in these models and how.

I will point out that we are not expanding Medicaid. We are not increasing the eligible population. Existing rules regarding who is eligible are not changed, and the care itself, we are not increasing coverage. So this takes the existing Medicaid system and allows States and healthcare providers, if necessary across State lines, to create these voluntary -- voluntarily healthcare models so that our children and their parents put in the driver's seat, and we think that it will save money.

These children are only about 1 percent of the population, the children's population, but they are about 30 percent of Medicaid pediatric costs. So we think this



model that the bill would allow would go a long way to humanizing healthcare and, over time, save some money for the taxpayers. But the genesis, the basic principle is, let's make it as easy as possible to give the best care possible to the most needy of our children.

So I urge the adoption of the amendment, and yield back.

The Chairman. The gentleman yields back.

Further discussion on the amendment?

The chair recognizes the gentlelady from Florida, Ms. Castor, to speak on the amendment.

Ms. Castor. Thank you. I move to strike the last word.

This is a very important bill for children with complex medical needs all across America. And I want to thank the committee for including the ACE Kids Act in the markup today, and thank my cosponsor, Joe Barton, for his many years of collaboration on this, and also with our stalwart partners, Representatives Herrera Beutler, Gene Green, Anna Eshoo, and Congressman Reichert.

The ACE Kids Act will incentivize States to create medical health homes for children with complex medical needs. Oftentimes, the families have to see doctors and specialists all over town, work with case workers, and it has been very difficult and costly for them to get the care that they need. Hopefully, this bill will create -- by creating the incentives for medical home for these kids, it will save us money.

An important aspect of the bill, as Congressman Barton mentioned, is sometimes these conditions are so severe the specialist resides out of State. Sometimes it is just right across a State line from where you live. Sometimes it is a little farther away, and there is a lot of bureaucratic red tape in Medicaid that disincentives the ability to see the specialist that that family really needs to see. So this bill will have the benefit of cutting

that red tape.

The bill has over 100 House cosponsors, including a number of our Energy and Commerce colleagues. And I want to thank Representatives Cardenas, Clarke, DeGette, Engel, Kennedy, Peters, Rush, Bilirakis, Costello, Guthrie, Harper, Lance, Long, and Olson. Thank you all for your steadfast commitment to moving this forward.

I would also like to thank all of the children and families who made very difficult trips here to Washington, D.C., over the past few years to advocate for the bill.

This is a model that -- as Congressman Bilirakis mentioned early on, we have in the Tampa Bay area at St. Joseph's Children's Hospital. Other children's hospitals across the country have something similar, as in Texas, as Mr. Barton knows, but it shouldn't be confined to just certain areas. This needs to be an option for all children with complex medical conditions.

So I want to thank the Children's Hospital Association, the March of Dimes, the American Academy of Pediatric, and other advocates who have come along with us.

And I also want to take a moment to thank the committee's professional staff for their dedication to families, for the hours they have spent working on the ACE Kids Act, especially Rachel Pryor, who used to be with the committee, Samantha Satchel on the Democratic side, Josh Trent and Caleb Graff on the Republican side.

Additionally, this bill would not have been -- have gotten to this point without the stellar work of Representative Barton's staffers: Krista Rosenthal, Gable Brady, and Jeannie Bender. And I would also like to thank my legislative director, Elizabeth Brown. Thank you very much also to the CBO for their hard work on the legislation in helping us move it forward.

And I encourage a strong yes vote on the ACE Kids Act, and yield back my time.

The Chairman. Is there further discussion on the amendment?

Seeing none, the question now arises on approval of the Barton amendment.

Those in favor will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it. The amendment is adopted.

Are there further amendments?

Seeing none, the question now arises -- for what purpose does the gentleman from Massachusetts seek recognition?

Mr. Kennedy. Mr. Chairman, I have an amendment at the desk.

The Chairman. The clerk will report the Kennedy amendment.

The Clerk. Amendment to H.R. 3325 offered by Mr. Kennedy.

The Chairman. Without objection, further reading of the amendment is dispensed with.

[The amendment of Mr. Kennedy follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Kennedy. Mr. Chairman.

The Chairman. For what purpose does the gentleman from Illinois seek recognition?

Mr. Kennedy. I am offering withdrawing the amendment.

The Chairman. For what purpose does the gentleman from Illinois seek recognition?

Mr. Shimkus. I reserve a point of order on the amendment.

The Chairman. The gentleman reserves a point of order on the amendment because it is not germane.

Once again, Mr. Kennedy, you are now recognized to speak on your amendment.

Mr. Kennedy. Thank you.

Mr. Chairman, as a cosponsor of the ACE Kids Act, I support its passage today and thank my colleagues for all their hard work. Strengthening and improving Medicaid will mean more children with complex conditions get better care, and it is something I think we should all stand behind.

I would also like to highlight another piece of legislation, the Accelerating Kids' Access to Care Act, a bipartisan bill that would streamline doctors' enrollment in Medicaid. I was proud to introduce it with Representatives McKinley, Lujan, and Herrera Beutler this summer.

Right now, providers at a hospital in one State often face unnecessary burdens when enrolling in another State to Medicaid program. Few things demand more urgency than connecting sick children with the treatment that they need. We should speed the delivery of care and ease the reimbursement process as much as we can.

If a doctor enrolls in a noninstitution like Boston Children's Hospital who wants to provide care in Massachusetts to a sick child covered by New Mexico's Medicaid program,

for example, bureaucracy shouldn't stand in the way of lifesaving treatment. But instead, today, we are asking that doctor to delay care for that child so that he or can fill out paperwork to enroll in another State's Medicaid program.

And although I will withdraw this amendment today, I firmly believe that this is a cause that unites us. Simply put, this legislation would create a streamline screening and enrollment process for Medicaid's pediatric providers and suppliers to treat children from out of State when there is a low risk of fraud, waste, and abuse. It would speed the delivery of care for children, ease burdensome paperwork requirements to providers, and ensure that Medicaid appropriately pays for services. I hope that we can work with my colleagues on this important bill in the coming months.

Thank you, and I yield back.

The Chairman. The gentleman yields back.

The chair is now prepared to rule on the germaneness of the amendment, unless the gentleman is going to actually withdraw his amendment.

Mr. Kennedy. I withdraw the amendment.

The Chairman. The gentleman withdraws his amendment.

Are there further amendments on the bill?

Are there other members seeking to strike the last word?

The gentleman from Ohio, Mr. Johnson, you are recognized for 5 minutes. Strike the last word.

Mr. Johnson. Thank you, Mr. Chairman. I do move to strike the last word.

Mr. Chairman, I would like to thank and all of our colleagues for bringing up this legislation today.

In Ohio, we have six children's hospitals and numerous outstanding pediatric programs that provide world-class care to children with complex medical conditions.

This legislation would provide a framework to better coordinate their care, so families and doctors can focus less on administrative work and more on what really matters, and that is healing their children.

Cancer is one of the most common pediatric diseases, and in Ohio, we are leading the way in innovative treatments. I am proud to say that five Ohio centers are in the top 52 pediatric cancer programs in the country, and several of these centers offer phase 1 cancer therapies that are the first of their kind.

Many of these pediatric center programs have comprehensive care clinics for children diagnosed with different types of cancer at an established cancer survivorship programs specifically focused on the overall well-being of the childhood cancer survivors.

Now, this may sound like bragging, but these outstanding pediatric cancer centers deserve to be commended for their excellence with all children in need of treatment. This legislation will further that goal, and I am proud to support it. And I thank you, Mr. Chairman, for the recognition.

And, with that, I yield back.

The Chairman. The gentleman yields back.

Other members seeking recognition to speak on the bill?

Seeing none, the question now rises on passage and favorably reporting H.R. 3325, 3325, as amended, to the House.

All those in favor shall signify by saying aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it, and the bill is favorably reported.

The chair calls up H.R. 3891 and asks the clerk to report.

The Clerk. H.R. 3891, to amend title XIX of the Social Security Act to clarify the authority of State Medicaid fraud and abuse control units to investigate and prosecute

cases of Medicaid patient abuse and neglect in any setting, and for other purposes.

The Chairman. Without objection, the first reading of the bill is dispensed with.

The bill will be open for amendment at any point.

[The bill follows:]

\*\*\*\*\* INSERT 1A-2 \*\*\*\*\*

The Chairman. Are there any amendments?

For what purpose does the gentleman from Michigan seek recognition? Do you want to speak on your bill, Mr. Walberg?

Mr. Walberg. I appreciate the opportunity, but I think I spoke on it already, and there is nothing more that needs to be said.

The Chairman. All right. Then we will move forward.

Anyone else seeking recognition on the bill?

If not, the question now arises --

Mr. Burgess. Mr. Chairman.

The Chairman. The gentleman from Texas, the distinguished chairman of the Health Subcommittee, is recognized for 5 minutes to strike the last word.

Mr. Burgess. Well, you are very kind. And I won't take 5 minutes. I am going to ask unanimous consent to submit two documents from the Partnership for Medicaid Home-Based Care for the record.

The Chairman. Without objection.

And the gentleman yields back.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



The Chairman. The question now -- anyone else seeking recognition?

If not, the question now occurs on favorably reporting H.R. 3891 to the House.

All those in favor shall signify by saying aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it, and the bill is favorably reported.

The chair now calls up H.R. 6733 and asks the clerk to report.

The Clerk. H.R. 6733, to amend title XXVII of the Public Health Service Act and title XVIII of the Social Security Act to prohibit group health plans, health insurance issuers, prescription drug plan sponsors, and Medicare Advantage organizations from limiting certain information on drug prices.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point.

[The bill follows:]

\*\*\*\*\* INSERT 1A-3 \*\*\*\*\*

The Chairman. Are there any bipartisan amendments to the bill? Any there any amendments to the bill?

Does anyone seek to strike the last word on the bill?

Seeing none, the question now occurs on favorably reporting.

Mr. Burgess. Mr. Chairman --

The Chairman. Dr. Burgess.

Mr. Burgess. -- I would like to strike the last word.

This is an important bill, and I just -- it is important to acknowledge Mr. Carter's participation. And this was one of the issues that was brought forward in a Rose Garden ceremony last spring, and Mr. Carter has taken this and developed a concept, worked with us through several iterations, and it is a good thing that this bill is coming forward today.

And, again, I just want to thank my colleague from Georgia for pursuing this and getting us to this point today. And I will be happy to yield back.

The Chairman. You want to yield to Mr. Carter?

Mr. Burgess. Yes.

Mr. Carter. Thank you, Mr. Chairman.

I want to thank Chairman Burgess and the Health Subcommittee for their help in this, and particularly staff as well. They were very instrumental. And I thank this committee. This is something that is extremely important and it is not the golden or the silver bullet. It is not the end all, but it is a step forward and a step in the right direction.

So I want to thank, again, staff and the committee for their indulgence in this and their help. I yield back.

The Chairman. And he yields back.

Anyone else?

The gentleman from Texas, Mr. Green, for 5 minutes. Strike the last word.

Mr. Green. Thank you, Mr. Chairman. I move to strike the last word and speak in support of another cost act.

This legislation is a positive first step in helping American access affordable prescription drugs. This measure will offer relief for patients and pharmacists seeking to find the lowest out-of-pocket cost, though more must be done to address rising prescription and drug costs.

I thank the main sponsor of this bill, Representative Buddy Carter. I am proud to be an original cosponsor of this bill. And I also thank all the other original cosponsors on our committees: Representatives Dingell, Eshoo, Welch, Burgess, Griffin, McMorris Rodgers, for their work and support for moving this measure forward.

All families across the country are concerned about rising healthcare costs. Pharmacists should not be prohibited from telling a customer there may be a way to purchase their medications for less.

One study from the Journal of American Medical Association found nearly one in four patients pay a co-pay that exceeds the price of the drug, but because some insurance contracts include gag provisions prohibiting pharmacists from informing patients that a cheaper cash price exists, patients continue to pay more.

A recent survey by the National Community Pharmacists Association found that 58 percent of the pharmas had come across these gag clauses at least 10 times in one month, both in part D and other insurance contracts. Nearly one in four Americans currently are taking prescription medications saying they struggle to afford the drugs, according to a Kaiser poll. Thirty-seven percent did not fill a prescription or skip or reduce dosage to cut costs.

The Know the Cost Act is one modest step to improve transparency, EMPOWER

pharmacists, and provide patients with information that will help them gain access to the medication they thought they couldn't afford. I ask my colleagues to join me in supporting this commonsense legislation.

And I yield back the balance of my time.

The Chairman. The gentleman yields back.

Anybody else seeking recognition?

If not, the question now arises on passage favorably reporting H.R. 6733 to the House.

All those in favor shall signify by saying aye.

Those opposed, no.

The ayes appear to have it. The ayes have it, and the bill is favorably reported.

Next up, the chair calls up H.R. 5306, as forwarded by the Subcommittee on Health on September 7, 2018, and asks the clerk to report.

The Clerk. H.R. 5306, to reauthorize the Money Follows the Person Demonstration Program.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point.

[The bill follows:]

\*\*\*\*\* INSERT 1A-4 \*\*\*\*\*

The Chairman. Any there any bipartisan amendments?

The chair recognize the gentleman from Kentucky.

RPTR ALLDRIDGE

EDTR ZAMORA

[11:03 a.m.]

Mr. Guthrie. Mr. Chairman, I have an amendment.

The Chairman. The clerk will report the amendment.

The Clerk. Amendment to H.R. 5306 offered by Mr. Guthrie.

The Chairman. Without objection, further reading of the amendment is dispensed with.

[The amendment of Mr. Guthrie follows:]

\*\*\*\*\* INSERT 2-1 \*\*\*\*\*

The Chairman. The chair recognizes the gentleman from Kentucky, Mr. Guthrie, for 5 minutes to speak on his amendment.

Mr. Guthrie. Thank you, Mr. Chairman.

This is a bipartisan amendment. It makes changes to a study on Money Follows the Person. The Money Follows the Person Program is strictly voluntary, and helps individuals on Medicaid transition back home from a nursing home or institution, if they choose and qualify, based on their health, safety, and well-being needs.

I want to thank my friend from Michigan, Mrs. Dingell, and her staff for their hard work on this bill that is bipartisan. I urge my colleagues to support this amendment and the underlying bill.

And I will yield to my friend or I will yield back and --

The Chairman. You want to just yield to Mrs. Dingell?

Mrs. Dingell. Thank you, Mr. Chairman.

And even more, thank you to my dear friend, Mr. Guthrie. I support his amendment, and I want to thank him for all of his hard work and the partnership we have had on this bill, and his staff. Our staffs have worked very well together.

Improving long-term care has been one of my top priorities since coming to Congress. And if you are in it, you know how completely broken this system is.

Most people think Medicare covers it and are shocked to learn that Medicaid is actually the single largest payer of long-term care in this country and that the private market is completely broken as well.

One program that has worked well in terms of enhancing opportunities for independent living and supporting aging with dignity and has bipartisan support is this bill, the Money that Follows the Person Program. It is a renewal of an existing program. It provides grants to States to cover transitional services for individuals who voluntarily

wish to leave a nursing home or other institution and transition to a community care setting. This bill is a win for beneficiaries and for taxpayers because the program has demonstrated significant savings over the years.

The only other point I would like to make today is we are only considering for today an extension of 1 year as to the 5 years that we started with. I support this change to keep the program going, but I am committing to fighting for a long-term authorization in the next Congress because this program is simply too long.

Now, we have lots of people that are supporting us, and I would like to insert into the record a letter of support for this bill from the ACLU. I hope that we can quickly get this to the House floor when, hopefully, everybody survives the hurricane safely in this country, and look forward to it being signed into law.

I thank again Congressman Guthrie, Chairman Walden, and Ranking Member Pallone for their support in making it possible to pass this today.

Mr. Guthrie. Thank you. And I agree with my friend that I wish we had a longer extension -- a longer reauthorization. We had a hearing. The advocate said one is better than none. That was a quote. And so I support this amendment and the underlying bill, and appreciate the opportunity to work together.

And I yield back.

Mr. Burgess. Will the gentleman yield?

The Chairman. Before he yields, he yields to the gentleman from Texas.

Mr. Guthrie. I yield to my friend from Texas.

Mr. Burgess. Thank you.

And Mr. Chairman of the full committee, it is important, I think, to note that this -- the inception of this program was back in 2005 as an amendment to the Deficit Reduction Act. And it just speaks to the strength of the type of policy that this



committee and the Health Subcommittee develop. It is enduring. It is delivering for patients. I agree with Mr. Guthrie, I wish for a longer interval. But we will be here, and we will get it done again as necessary.

But, again, thanks for the full committee back in 2005 for getting this part of the Deficit Reduction Act, and we are keeping it alive today.

So thank you. And I will yield back to the gentleman from Kentucky.

Mr. Guthrie. And I yield back to the chair.

The Chairman. The gentleman yields back.

Anyone else wanting to speak on the amendment?

Seeing none, the question now arises on approval of the amendment.

Those in favor will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it. The amendment is adopted.

The question now occurs on favorably reporting H.R. 5306, as amended.

Mr. Doyle. Mr. Chairman.

The Chairman. The gentleman from Pennsylvania seeks recognition to strike the last word maybe.

Mr. Doyle. Thank you, Mr. Chairman. Thank you. I move to strike the last word.

The Chairman. The gentleman is recognized.

Mr. Doyle. Mr. Chairman, I move to strike the last word in support of H.R. 5306. And I want to thank Mr. Guthrie and Mrs. Dingell for introducing this legislation.

The Money Follows the Person Demonstration has been a resounding success for the individuals who have transitioned back to their communities and the Federal Government. The Money Follows the Person Demonstration supports States' efforts to

help Medicaid beneficiaries living in long-term care facilities transition back to the community where they have more choice about where they live and receive care.

As of 2016, over 75,000 people have transitioned from institutions back into the community, thanks to the Money Follows the Person grants. Each of these 75,000 people have been able to go back to family, friends, and neighbors, and live as successful integrated members of the community. These include elderly Americans as well as individuals with physical disabilities, intellectual and developmental disabilities, and mental illness.

As the founder and co-chair of the Autism Caucus, I have heard from stakeholders and families how important the Money Follows the Person Program has been for individuals with intellectual and developmental disabilities such as autism. For many, Money Follows the Person has made living in a community based setting possible and has increased their quality of life. Many of the MFP participants with intellectual and developmental disabilities have been minorities, Medicaid-only beneficiaries, and from rural areas. By supporting these individuals, we not only increase their quality of life but also the quality of our communities.

Each individual has unique needs, and home and community based living will not suit everyone. Some people will continue to thrive and be happier in an institutional setting. However, Money Follows the Person Program strikes a good balance, while not forcing anyone into a setting that doesn't work for them. It allows flexibility for those who want to be back in the community.

The program has also shown significant savings for the Federal Government. For those with intellectual disabilities, monthly expenditures declined by over \$4,000, or 30 percent per beneficiary, for a total savings of nearly \$50,000 for the first year after transition. All told, savings to the Federal Government have been estimated as high as

\$1 billion since the start of the program.

I am glad that we are reauthorizing the Money Follows the Person Demonstration and making it easier for more individuals to qualify. This program is a win-win-win. It is a cost saver for the government. It benefits those individuals who have a little more choice in how they receive care. And it improves the quality of our communities by making them more diverse and inclusive.

I am proud to be a cosponsor of the legislation. I look forward to passage today and on the House floor soon.

Thank you, Mr. Chairman, and I yield back my time.

The Chairman. The gentleman yields back.

Mr. Doyle. Or I will yield to Ms. Schakowsky the remaining 2 minutes.

The Chairman. The gentlelady is recognized.

Ms. Schakowsky. Thank you.

I just wanted to add my voice to this and some other of the bills that we are doing today. 5306, the bipartisan legislation which would extend the Money Follows the Person Program, is critical to transitioning individuals from institutions into home and community based settings. Ideally, a long-term authorization of the program best suits the needs of the people in the program, but we must act now to prevent States from completely exhausting their funds.

Additionally, H.R. 3325, the bipartisan ACE Kids Act, will help so many children with complex medical needs like Naomi Bittner from Park Ridge, my constituent, who is being treated at Advocate Children's Hospital in my district. By passing the ACE Kids Act, Naomi and so many others like her will be able to get the critical care that they need.

And, lastly, I want to mention H.R. 6733, which would prohibit the use of gag clauses that stop drug pricing information from reaching patients at the pharmacy

counter. And I am very pleased that we are moving toward more transparency by ending these secretive provisions. But this little bit of transparency at the end of the drug supply chain is only a small part of what we can do. We could start at the top and shine a light on how drug prices are set. This would provide valuable information to patients and to taxpayers who, through public-funded research, paid for every single drug that was approved by the FDA from 2010 to 2016.

So it seems to me we owe it to the American people to take a serious look at skyrocketing drug prices more than we are doing today and take meaningful steps toward bringing down the costs.

And I yield back to the gentleman. And you yield back, right?

Mr. Doyle. I yield back, Mr. Chair.

The Chairman. The gentleman yields back.

Other members seeking recognition on the bill?

If not, the question now occurs on favorably reporting H.R. 5306, as amended, to the House.

All those in favor shall signify by saying aye.

Those opposed, no.

The ayes appear to have it. The ayes have it, and the measure is favorably reported.

Now the chair calls up H.R. 6753 and asks the clerk to report.

The Clerk. H.R. 6753, to amend Title XI of the Social Security Act to direct the Secretary of Health and Human Services to establish a public-private partnership for purposes of identifying healthcare waste, fraud, and abuse.

The Chairman. Without objection, the first reading of the bill is dispensed with. The bill will be open for amendment at any point.

[The bill follows:]

\*\*\*\*\* INSERT 2-2 \*\*\*\*\*

The Chairman. The chair now recognizes himself for purposes of offering an amendment in the nature of a substitute and asks the clerk to report the amendment.

The Clerk. Amendment in the nature of a substitute to H.R. 6753 offered by Chairman Walden.

The Chairman. Without objection, the reading of the amendment is dispensed with.

[The amendment of Chairman Walden follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

The Chairman. The chair now is recognized for 5 minutes in support of his amendment.

During the last week subcommittee markup, Ranking Member Pallone offered an amendment in the nature of a substitute to our discussion draft. The bipartisan amendment incorporated verbal feedback from the U.S. Department of Health and Human Services and was technical in nature.

Now, following that markup, Mr. Pallone and I formally introduced the Strengthening the Healthcare Fraud Prevention Task Force Act of 2018. And this week, we added Ways and Means Committee Chair Kevin Brady and Ranking Member Richard Neal as cosponsors in our effort to improve the Healthcare Fraud Prevention Partnership, HFPP.

As we discussed in the Health Subcommittee hearing in markup, this public-private partnership has been an area of interest for both the Obama and the Trump administrations. Today's amendment in the nature of a substitute incorporates written comments from HHS. These revisions are, once again, technical in nature, and they provide clarifications on the congressional intent of the bill.

This is the appropriate next step to move this legislation forward and protect taxpayers from fraud in our healthcare system. And I urge adoption of the amendment as well as the underlying bill.

And I yield back.

Is there further discussion on the amendment?

Seeing none, the question now arises on approval of the amendment.

All those in favor will say aye.

Those opposed, no.

The ayes appear to have it. The ayes have it.

Is there further discussion on the legislation itself?

Seeing none, the question now occurs on favorably reporting H.R. 6753, as amended, to the House.

All those in favor will say aye.

Those opposed, nay.

The ayes appear to have it. The ayes have it. And that bill is favorably reported as well.

Without objection, the staff is authorized to make technical and conforming changes to the legislation considered by the committee today.

Mr. Barton. Mr. Chairman.

The Chairman. So ordered.

For what purpose does the gentleman from Texas seek recognition?

Mr. Barton. Just to strike the requisite word for about a minute.

The Chairman. The gentleman is recognized.

Mr. Barton. Mr. Chairman, the members of the committee, when we pass major bills, we all pat ourselves on the back and we take all the credit. But the truth is, as you know, that our staffs do the heavy lifting. And it is not just member staff and committee staff, it is legislative council. There are literally dozens, if not hundreds, of staff on both sides of the aisle and in the legislative council that, on the ACE Kids bill, have literally worked 5 or 6 years.

I would like for every staff member who has had anything to do with ACE Kids to stand up so that the members can thank and applaud them for their hard work.

Everybody who worked on ACE Kids. All right. Stand up.

The Chairman. Wherever you may be listening or watching.

Mr. Barton. Yeah. Yeah. I mean, it -- you know, all bills are important, but



this ACE Kids bill has been completely rewritten over the last 6 years. And, you know, I couldn't name all the people who worked on it. So I want to say thank you from the bottom of my heart.

The Chairman. Hear, hear.

Thank you. And the gentleman yields back.

The chair recognizes the gentleman from New Jersey, Mr. Pallone.

Mr. Pallone. Mr. Chairman, House rule XI, clause 2(l) accords the committee minority two additional calendar days to file supplemental and dissenting views on legislation as reported out and forwarded to the House. Pursuant to that rule and clause, I am giving notice of our intent to file such views.

And I yield back.

The Chairman. The gentleman yields back.

And in conclusion, I just want to commend the former chairman of the committee, Mr. Barton. Even under his own leadership, he admitted he never got two of his own bills through the committee at the same time.

We commend you for your good work over many, many years and certainly in this markup as well. Thank you for bringing these bills to our consideration and achieving big votes on them. These will do good things for the people of America. And we applaud you for your service, Mr. Chairman.

Without objection, the committee is adjourned.

[Whereupon, at 11:17 a.m., the committee was adjourned.]