

19 May 2022

House Energy & Commerce Committee Advances Bipartisan User Fee, Mental Health and Research Bills to the Full House

On Wednesday (May 18), the House Energy & Commerce Committee advanced six bipartisan health care bills to the full House. Committee Chair Frank Pallone (D-NJ) and Ranking Member Cathy McMorris Rodgers (R-WA) expressed their support for the bills and their commitment to passing legislation to reauthorize the Food and Drug Administration's (FDA) user fee agreements, the Food and Drug Amendments of 2022 (H.R. 7667), before the current user fee agreements expire on Sept. 30.

During the markup, there was a lot of debate over two amendments to the Restoring Hope for Mental Health and Well-Being Act of 2022: the Mainstreaming Addiction Treatment (MAT) Act and the Medication Access and Training Expansion (MATE) Act. For example, some Republican members, including Reps. Michael Burgess (R-TX) and Larry Bucshon (R-IN) voiced opposition to the MATE amendment, saying it inappropriately targets doctors while failing to address the fentanyl entering the country via the Southern border. Meanwhile, Rep. Richard Hudson (R-NC) questioned the need for a separate amendment that would establish a new grant program related to mental health parity when states are reporting budget surpluses.

Ranking Member Rodgers said an amendment to the Advanced Research Project Agency-Health Act, or the ARPA-H Act, (H.R. 5585) will "provide guardrails for the agency to be a success" and "put ARPA-H on the right path with a targeted mission, increased accountability and transparency, and a laser focus on promoting American innovators." Lawmakers also voted to advance the Keeping Incarceration Discharges Streamlined for Children and Accommodating Resources in Education Act, also known as the KIDS CARES Act, (H.R. 7233), the South Asian Heart Health Awareness Act of 2021 (H.R. 3771), and the Gabriella Miller Kids First Research Act 2.0 (H.R. 623).

- For more information: <https://energycommerce.house.gov/committee-activity/markups/markup-of-6-bills-full-committee-may-18-2022>

Mark-up details

H.R. 7667, the Food and Drug Amendments of 2022

- *High-level summary:* The bill would reauthorize FDA's drug and medical device user fee programs, which are set to expire on Sept. 30. In addition to setting new industry fees and hiring and review goals for the FDA, the bill also includes a number of policies to increase access to lower-cost generic drugs, bolster the FDA's authority to remove accelerated approval drugs from the market if they fail to show a clinical benefit or conduct required post-market studies, improve diversity in clinical trials, increase access to therapies and treatments for rare diseases, and improve the FDA's use of real-world evidence and patient feedback in its decision making.
- *Outcome:* Ordered to be favorably reported, as amended, in a 55-0 vote. The committee adopted by voice vote two amendments: a substitute amendment by Rep. Brett Guthrie (R-KY) that substitutes title language and an amendment to the substitute by Rep. G.K. Butterfield (D-NC) to authorize the FDA to require drugmakers researching therapies for adult cancer to also include the pediatric population if there are molecular similarities.

H.R. 7666, the Restoring Hope for Mental Health and Well-Being Act of 2022

- *High-level summary:* The bill reauthorizes more than 30 programs from Substance Abuse and Mental Health Services Administration (SAMHSA) and Health Resources and Services Administration (HRSA) to support mental health and substance use disorder care across the country, establishes a Behavioral Health Crisis Coordinating Office within SAMHSA, includes language to require self-funded health plans to comply with mental health parity laws, and provides funding for the 988 suicide prevention lifeline set to launch this summer.
- *Outcome:* Ordered to be favorably reported, as amended, by voice vote. The committee adopted five amendments:
 - a substitute amendment from Committee Chair Pallone was adopted by voice vote;
 - an amendment to the substitute by Rep. Tony Cardenas (D-CA) that appropriates \$10 million annually for five years for grants to help states enforce mental health and substance use disorder parity laws was adopted in a 31-24 vote;
 - an amendment to the substitute by Rep. Fred Upton (R-MI) that appropriates \$13 million annually for fiscal years 2023 through 2027 for grants to expand access to peer-supported mental health services was adopted in a 55-1 vote;
 - an amendment to the substitute by Rep. Paul Tonko (D-NY) called the MAT Act, which would eliminate the Drug Enforcement Administration's requirement that providers receive an "X waiver" to prescribe buprenorphine for substance use disorder treatment, was adopted in a 45-10 vote;
 - an amendment to the substitute by Rep. Lori Trahan (D-MA) called the MATE Act, which would establish a one-time training requirement for prescribers of controlled substances, was adopted in a 46-8 vote.

H.R. 7233, the Keeping Incarceration Discharges Streamlined for Children and Accommodating Resources in Education Act (KIDS CARES Act)

- *High-level summary:* The bill would require Medicaid plans to cover health screenings and referrals for certain incarcerated children and require the Health and Human Services (HHS) Secretary to issue guidance on how Medicaid and the Children's Health Insurance Program (CHIP) can support health care and mental health care service delivery in schools.
- *Outcome:* Ordered to be favorably reported, as amended, in a 52-0 vote. The committee adopted one substitute amendment from Rep. Hudson, which clarifies the federal government's financial participation in ensuring screenings and referrals for eligible incarcerated children.

H.R. 623, the Gabriella Miller Kids First Research Act 2.0

- *High-level summary:* The bill would provide a new funding stream for the National Institutes of Health (NIH) to support research on pediatric diseases and disorders.
- *Outcome:* Ordered to be favorably reported in a 53-0 vote.

H.R. 3771, the South Asian Heart Health Awareness Act of 2021

- *High-level summary:* The bill would amend the Public Health Service Act to support research and improvement of cardiovascular health among the South Asian and other populations diversely impacted by cardiovascular disease.

- *Outcome:* Ordered to be favorably reported in a 31-24 vote.

H.R. 5585, the Advanced Research Project Agency-Health Act (ARPA-H Act)

- *High-level summary:* The bill establishes ARPA-H as an independent agency within NIH with an initial authorization of \$3 billion for FY 2022.
- *Outcome:* Ordered to be favorably reported, as amended, in a 53-3 vote. The committee adopted one substitute amendment by voice vote from Rep. Anna Eshoo (D-CA) that clarifies the goals and methods of ARPA-H and establishes the new agency as an independent operating division within HHS.

If you have questions, please contact [Heather Meade](#) or [Heather Bell](#).

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