

EXTENSIONS OF REMARKS

PUERTO RICO OVERSIGHT, MANAGEMENT, AND ECONOMIC STABILITY ACT

SPEECH OF

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2016

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5278) to establish an Oversight Board to assist the Government of Puerto Rico, including instrumentalities, in managing its public finances, and for other purposes:

Mr. SALMON. Mr. Chair, I rise today to speak to an action taken by the Puerto Rican Secretary of Health who issued Administrative Order No. 346 on February 9, 2016. This Order is noteworthy in that it was issued without the benefit of review by Puerto Rico's legislature, and without any prior notice or comment period afforded to impacted parties that typically accompanies the publication of such Orders.

Order No. 346 imposes an unprecedented set of regulatory requirements and fees on the nutritional dietary supplement industry that will invariably increase the cost to consumers who rely upon nutritional supplements as an adjunct to their normal diet.

This Order creates significant economic barriers to acquiring nutritional supplements that have been widely accepted by consumers as a way of maintaining healthy lifestyles and preventing adverse health events in their lives.

The Congress has recognized the importance of encouraging American adults to maintain minimum average daily intake of a variety of nutrients that are essential to maintaining health and well-being. The U.S. government has encouraged and funded a broad range of consumer education initiatives across the spectrum of public health agencies in the federal government with the goal of providing consumers with valuable information about the importance of the minimum daily nutritional intake standards required to maintain good health.

Nutrition experts at the Harvard School of Public Health have emphasized the importance of a food pyramid that recommends a "daily multivitamin plus extra vitamin D (for most people)."

Researchers at Tufts University have designed a specific food guide for the elderly that features the benefits of daily supplements of calcium, vitamin D, and vitamin B-12 that are needed for optimal health.

The American Academy of Nutrition and Dietetics has issued a policy statement that emphasizes the importance of good food choices, and it also recognizes that nutritional supplements can help some people meet their daily nutritional needs.

Supplements should be seen as one component of the search for a healthier lifestyle, including improvements in overall food habits and engaging in physical exercise. Much of

the current research on nutrition and health focuses on prevention of chronic disease, but the primary reason most people use multi-vitamins and other nutritional supplements is to support overall wellness.

I was astounding to me to find out about Order No. 346 issued by the Puerto Rican Secretary of Health that imposes a set of onerous market access fees in Puerto Rico for nutritional supplements, including a \$25 fee on retailers and distributors for every variation of the supplement by size, flavor, and stock keeping unit ("SKU").

But the "money grab" did not stop there.

Manufacturers must file an application and pay an additional \$500 fee every 2 years for products that they intend to sell in Puerto Rico.

Wholesale and Retail distributors must also register and pay an additional \$100 fee every 2 years.

Facilities are subject to inspection, and must pay a \$50 fee every 2 years.

In addition, Order No. 346 also imposes an additional significant administrative burden by requiring quality control data, Certificates of Analysis, the process used to obtain the product, label samples, promotional materials, Advertisements, Laboratory Certificates, and any and all warning statements which the FDA does not require of retailers of any regulated goods, which includes foods, drugs, and devices.

These requirements are transparently only justifications for the imposition of this new regimen of fees.

This onerous new fee structure may have the unintended consequence of usurping the role of the FDA in regulating the introduction of nutritional supplements into commerce as this Congress has determined by statute to be sufficient.

There has not been any significant incident in Puerto Rico where a nutritional supplement manufacturer has introduced a tainted product to consumers. Nor is there any record of any significant number of adverse events attributable to the sale of nutritional supplements to Puerto Rican consumers. Furthermore, there are no reports of abusive commercial activities by nutritional supplement retailers in Puerto Rico.

Finally, there are no unique public health concerns or issues attributable to nutritional supplement manufacturing or sales to consumers in Puerto Rico that have not been fully and adequately addressed by the FDA.

Federal public health agencies, research organizations, and non-government organizations widely encourage the use of nutritional supplements to maintain minimum dietary intake, particularly for at-risk populations like the elderly and low-income families.

Intuitively, one would think that the Public Health Agency responsible for the promotion of health and well-being of the people of Puerto Rico would be tearing down any barrier that exists for its people to access nutritional foods and supplements that promote the health and well-being of families.

But the reality is, and it is a conundrum that is well known to this body, is that Puerto Rico is in the midst of a serious financial crisis for which it is seeking relief.

As I understand it, Order No. 346 is a transparent and perverse way for the Puerto Rican government to generate revenue. I cannot help but remember the lyrics of a favorite song of mine sung by country music star Waylon Jennings, "Looking for Love in All the Wrong Places."

Is it not wrong to be looking for new revenue by increasing the costs to Puerto Rican families for nutritional supplements that assist them in maintaining a healthy lifestyle and thereby help them avoid adverse and costly health events that would incur potentially avoidable costs both to patients and government health care programs?

Is it not wrong for the Secretary of Health to impose a back-door tax on nutritional supplements without the benefit of a statute authorizing these fees enacted by the Puerto Rican legislature?

Is it not wrong to single out one industry, particularly an industry whose products support a public policy to promote the health and well-being of its citizens—particularly the elderly and children?

How can the Puerto Rican government come to this Congress and expect to be taken seriously in their request for fiscal relief from their current debt burden when they are continuing to enact policies like Order No. 346 that are so grossly counterintuitive to good government policy?

My colleague, Mr. ZINKE, has authored a legislative remedy that will nullify Puerto Rico Administrative Order No. 346.

I fully support this legislative effort that will protect the people of Puerto Rico from arbitrary and onerous restrictions on their access to nutritional supplement products, and threatens to damage the economic growth of the economy in Puerto Rico.

If Administrative Order No. 346 is allowed to stand, the cumulative effect of a new layer of bureaucratic "red tape" and the unjustified imposition of regulatory fees will make Puerto Rico the costliest place to do business by natural products retailers anywhere in the United States or its territories.

Low income consumers will likely be forced away from legitimate retailers on the Island and seek access to reasonably priced products on the Internet. The problem with that strategy is that the Internet is well known as a haven for counterfeit products and fly-by-night suppliers who regularly avoid the scrutiny of the FDA and failed to maintain good manufacturing practices for the production of its products.

The perverse outcome of Administrative Order No. 346 is that it will actually increase the threat to public health among the citizens of Puerto Rico.

An equally perverse outcome of Administrative Order No. 346 is that many Puerto Rican families will be unable to afford the increase in prices on nutritional supplements that they rely

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

upon, and they will likely forgo those expenditures. Low income families will be hit the hardest as they are less likely to get nutrition they need from food alone, and nutritional supplements our key part of their maintaining the health and well-being.

And I would ask my colleagues to consider this: Administrative Order No. 346, if it is allowed to stand, sets a dangerous precedent for every legitimate business operating in Puerto Rico today. If the Congress fails to nullify this order, nothing will stand in the way of the Government of Puerto Rico from imposing similar regulatory regimens on every other industry on the Island, without any notice or debate, and it will become the incubator for this terrible policy to migrate to other states and territories who are looking to enhance revenues.

Much of what we do here in the Congress is to establish public policies to protect consumers from exploitive and predatory actions of unscrupulous manufacturers of products that economically harm our citizens.

We are confronted today by a desperate Puerto Rican Government who appears to have set aside its duty to responsibly enact public policies that are consistent with the regular order of commerce, particularly as it relates to nutritional supplements, and has embarked on a clearly exploitive and predatory path to fleece nutritional supplement manufacturers and penalize its own consumers in the process.

The Congress is now required to act to defend its own authority and regulatory framework for nutritional supplement products as administered by the FDA, the Federal Trade Commission, and the Department of Justice. We must act in order to prevent this exploitive and predatory action by the Puerto Rican Government that will have the inevitable consequence of harming its own citizens.

LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 2017

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2016

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5325) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes:

Mr. VAN HOLLEN. Mr. Chair, I rise today in reluctant opposition to H.R. 5325, Legislative Branch Appropriations Act, 2017.

Although I support most of the programs and services this bill helps to fund including the Capitol Police, the independent budgetary and economic analysis of the Congressional Budget Office and the nonpartisan oversight work of the Government Accountability Office, as well as the language to stop this year's COLA for Congress, I must oppose the bill on the grounds that it has become a vehicle for the House Majority to advance an ideological agenda.

Funding in the bill has been used to finance the Benghazi Committee, to defend the misnamed "Defense of Marriage Act," to sue the President over the Affordable Care Act and to

fund the witch hunt against Planned Parenthood. Now the Majority wants to use this appropriations bill to order the Library of Congress to use politically charged terminology to refer to classes of people in the United States.

It is unfortunate that the Majority has chosen to play politics with this appropriations bill instead of devoting the time to shaping policies that actually serve the country.

REMEMBERING NOPD OFFICER
NATASHA HUNTER

HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2016

Mr. RICHMOND. Mr. Speaker, I rise today to honor the life of Officer Natasha Hunter, a 12-year veteran of the New Orleans Police Department. Officer Hunter embodied every quality you could dream of in a public servant. To her, being a police officer was more than just a job. It was an opportunity to help people when they had a problem, console them through a tough time, and inspire them to be something greater than they ever thought they could be.

Impactful police work is more than protecting and serving. It is becoming part of the fabric of the community, and few officers are as deeply woven into the city of New Orleans as Officer Hunter. She was a hero, taken from us and her family far too early by an avoidable tragedy.

On June 5, 2016 Officer Hunter sustained grave injuries from being struck by a drunk driver while in her police unit. Two days later on June 7, she succumbed to her injuries and passed away.

This loss hits especially hard because a 5-year old girl has just lost her mother. A mother that loved her, provided for her, and did her best to make the community she grew up in safe.

I share in the pain that the city has endured since her passing and I will always remember Officer Hunter's gallant sacrifice and unconquerable dedication every time she put on her uniform. My deepest condolences and prayers are with Officer Hunter's family, her fellow officers, but especially her young daughter Jasmine. Your mother will always protect you as she has protected all of us her entire career.

IN HONOR OF CARL E. FITCHETT
JR.

HON. RENEE L. ELLMERS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2016

Mrs. ELLMERS of North Carolina. Mr. Speaker, today I rise to seek to honor the life of Carl E. Fitchett, Jr., who passed away May 29, 2016 in Smithfield, North Carolina at the age of 93.

Mr. Fitchett had a fierce passion for serving his community, as made apparent through his past roles as director of the N.C. Oil Jobbers Association, president of the Dunn Chamber of Commerce, and Commander of the American Legion. He also served as president of the Dunn Rotary Club which awarded him the

Man of the Year award in 1958, and was a deacon, elder, and trustee at First Presbyterian Church of Dunn. In addition to his volunteer leadership roles in the Dunn community, Carl served in World War II and owned and operated Fitchett Oil Co., retiring in 1991.

Mr. Fitchett is survived by his wife, Vivian; two children, Carl and Vivian; and four grandchildren, Duncan, Margaret, Austin and Katherine.

Carl Fitchett, like so many of our community leaders, sacrificed time to better the lives of those around him. He spent his entire life helping those in Harnett County, and we are forever indebted to him for his dedication in serving the local community, especially his hometown of Dunn. He truly embodied the role of the local hero.

NEED TO ELIMINATE HEALTH DISPARITIES IN RURAL AND UNDERSERVED MINORITY COMMUNITIES

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 2016

Ms. SEWELL of Alabama. Mr. Speaker, in light of the myriad of issues facing Americans living in poverty, I am disappointed that my Republican colleagues chose a drug treatment center as the location to unveil their anti-poverty proposal last week. Assuming the poor are more prone to impulsivity and addiction ignores the reality that poverty is often the result of a constellation of compounding difficulties that are exacerbated by poor access to healthcare and our nation's historic disinvestment in public health. Today, I am here to highlight the impact these complications have on my most vulnerable constituents and the role we all play in addressing them.

The harsh disparities faced by my constituents in Alabama's Black Belt intersect at the nexus of poverty, demographics, and geographic access.

Women in certain parts of my district have to drive to distant counties, sometimes two hours, to give birth to their babies. Folks in Choctaw County, Alabama have to travel over 100 miles to the closest full-service urban hospital or to see a specialist. In 6 of the 14 counties I represent, there are fewer than 5 primary care physicians, county-wide.

The prostate cancer death rate in Alabama for black men was triple that of white men from 2000 to 2010. For all cancers, the mortality rate among blacks was more than double that of the white population during the same time period.

There are many settings that would have better told the story of struggling Americans than an addiction treatment center. An emergency room in a rural hospital in my district would have been a great place to start.

In this setting, the group would meet the working Alabamians who fall into our state's Medicaid gap. With the lowest Medicaid eligibility cap in the country, the working poor are left with no option for affordable health coverage.

Because of financial constraints, these individuals ignore small health care concerns until they compound to make for an emergency situation, which can only be addressed in the expensive setting of an emergency room. There