

One of the pharmacists in my District told me these retroactive fees, known as DIR fees, can cost him tens of thousands of dollars months after the claims have been processed with no clarification, no explanation, no reasoning from the PBM.

No business or even individual can plan a budget, if months later they may be forced to pay thousands of dollars more for something they thought they had already paid for.

According to one expert and pharmacy owner in my District, he has seen three causes for recent increases in prescription drugs:

(1) FDA involvement, including requiring “modern clinical trials” of old drugs that have worked for decades;

(2) drug manufacturers’ needlessly hiking the price of generic drugs;

(3) PBMs charging ridiculous prices for drugs and pocketing the profits.

According to my constituent, PBMs are the main culprit of the three.

A number of lawsuits are being filed against PBMs, including one class action lawsuit. More and more people are realizing what one lawyer said recently: “We describe this as basically a massive fraud.”

We need to address artificially high drug prices right away. A good place to start is PBMs and their “massive fraud.”

As one small town pharmacist said, “. . . The pharmacy benefit managers . . . set rates I cannot control. I can complain, but it does no good whatsoever. And in a town of 3,000, I cannot make it up on volume.”

PBMs must be more transparent in their operations, so they can be held to their promises and to the laws.

PBMs must not be able to get away any longer with conducting business with their unethical, at best, methods.

In short, PBMs must be held accountable for their roles in the Nation’s drug price crisis.

□ 2100

KEEPING AMERICA’S SKIES SAFE

The SPEAKER pro tempore (Mr. BACON). Under the Speaker’s announced policy of January 3, 2017, the Chair recognizes the gentleman from Louisiana (Mr. ABRAHAM) for 30 minutes.

Mr. ABRAHAM. Mr. Speaker, I am here to talk for a few minutes about the FAA reauthorization act, better known as the AIRR Act.

Now, this particular bill has two components: modernization and privatization. President Trump, being a great businessman, the very astute businessman that he is, has told us that we need to modernize our airspace, our air traffic control facilities, everything that allows us to continue to have the safest and busiest airspace, literally, in the world, and I agree wholeheartedly with our great President that we do need to modernize. The issue that I have is with the privatization part.

As mentioned, our airspace is the busiest it has ever been. On a daily basis, somewhere between 87,000 and 88,000 flights take place in the airspace of the United States of America.

We have been asked to compare our air traffic control system with that of

our great neighbor to the north, Canada, but the issue with that, Mr. Speaker, is that Canada only has a small, small fraction of the air traffic that we have here in the great United States.

The U.S. airspace is unique because it is a public resource that is accessible to all users, and it is protected by the fact that the air traffic organization, under the FAA, is directly accountable to Congress, but more importantly, to the American people.

Handing over that control of air traffic services to a private corporation, as this AIRR Act wants to do, will put the interests that right now are under the tutelage of air traffic control to a board of directors that may not have the interests of the American taxpayer and the consumer as its foremost priority.

Under the plan that is in the AIRR Act, this corporation will not be answerable to Congress. The only thing they will have to do is to provide reports on its operations every now and then. Under this plan, Congress has ceded its oversight over a major component of interstate commerce and, might I add—very important—national defense.

There is also very little oversight from our executive branch, the President. Decisions by the corporation to change safety standards or to reduce air traffic services will be subject to minimal scrutiny from the Department of Transportation. Also, as stated, the President will have limited authority to take command of the airspace unless there is a declaration of war.

On the cost and the funding uncertainties, I have an issue with this AIRR Act. The CBO predicts that this plan will cost the Federal Government—which, by the way, is us, taxpayers—\$21 billion over the 10-year budget window, but this doesn’t take into account any other factors that will probably exceed that cost by many, many billions, and that is with a B. The administration’s fiscal 2018 budget paints a fuller picture of the costs, and it estimates a \$46 billion cost over the same 10-year period.

Mr. Speaker, we have got enough budget problems without adding more gasoline to the fire.

The problem is that this revenue is critical for filling the Airport and Airway Trust Fund, which pays for popular programs like the Airport Improvement Program that communities all across the country rely on for their airport improvements, to pay for infrastructure upgrades, runway overlays, lighting, taxiways, those types of things that are essential for an airport to work.

The FAA bill before us authorizes more funding for the Airport Improvement Fund program, which is great, but it is still uncertain where these funds will come from. What makes up for the shortfall? I don’t see it in this bill.

Mr. Speaker, I represent a great swath of the great State of Louisiana,

good, good people, a lot of them in a rural community that are far away from any major metropolitan areas. My concern with this AIRR Act is that a private corporation concerned with raising money from user fees will be heavily incentivized to go to where the users are: the East Coast and the West Coast.

My question and my very much concern is: What happens to all of us in between that East Coast and West Coast? I worry that we will be left out of the mix and be left out of the equation because we will not be as able to contribute to user fees because of the population.

Decisions to change air traffic services can too easily be justified by this corporation, this private corporation that is talked about in this AIRR Act, and will face minimal scrutiny from the Department of Transportation.

A reduction in air traffic control services means a reduction in enplanements and a reduction in revenue at small, regional airports, just as I alluded to, and this makes it even harder to access the funding from the Airport Improvement Program.

All of these factors taken together will exacerbate the problem with access to air travel for 95-plus percent of the people in America, and this is hard for rural areas. They have a hard enough time making ends meet. They don’t need the extra costs and the extra burden of traveling to a large city, maybe spending the night at a hotel to catch an early flight, the cost of transportation just so they can catch a flight to some other part of the United States.

The taxpayer seems to be on the hook here, too, under this AIRR Act. Under the plan, the Federal Government would simply hand over all the air traffic control assets to the private corporation free of charge, and this will negate decades and hundreds of billions—again, that is with a B—of dollars in taxpayer investments that the corporation will be able to dispose of and sell as it sees fit.

The plan will also create a potential multibillion-dollar unfunded liability for the Department of Defense to upgrade its systems to be interoperable with the new ATC corporation. What if the private corporation has one set of systems, our Department of Defense doesn’t have that, but they have got to be talking to each other? This is a national security issue.

And again, who pays for that? Well, again, the taxpayers would certainly be on the hook to bring the Department of Defense up to speed. Again, this is something that we need to look very, very closely at in this bill.

The board of the corporation is not restricted in how much debt it can take on, and this sets up a very dangerous potential for a taxpayer bailout that, although this bill says it won’t happen, I again question because these are the same types of promises that we got with Fannie Mae and Freddie Mac,

and we know what happened then and how much the taxpayer had to dole out to bail them out.

I have alluded to the safety and national security issue, and I want to hit that a little bit harder.

Under the plan, the oversight from the air traffic safety organization—it is called ATSOS, Air Traffic Safety Oversight Service—sunsets after 2 years. My question with this AIRR Act is: What happens after the 2-year window? Who watches the gate?

And I do worry about that.

What happens if there are major safety breaches? And certainly we don't want any accidents, but what happens if there is a major accident after 2 years?

When it comes to the operation of our skies—safety, safety, safety. It trumps everything because we have lives at risk every day.

I go back to my opening remarks. We have the safest system, airspace in the world, and I am concerned that this safety could be jeopardized if our airspace is controlled by a private entity that is primarily motivated by raising revenue.

Control of our airspace is a critical function of national security. As Federal agencies, the FAA and the Department of Defense currently share airspace, training systems, assets, equipment, and information. Divorcing ATC, air traffic control, functions from the Federal Government and inserting an unaccountable third-party private contractor into the coordination of our airspace will make us more vulnerable to attack.

The private ATC corporation that the AIRR Act is touting will have access to highly sensitive information regarding strategic operations in our airspace without the same standards of protection that are required of Federal agencies, so I worry about leaks, those types of issues.

There is also a labor issue that, really, nobody is looking at, I am afraid, in this AIRR Act. I know many air traffic controllers personally. I fly in the United States airspace personally a lot. These are good, dedicated people, and I admire the work that they do every day to safely operate our skies; however, the major labor unions successfully negotiated to get every carve-out they wanted under this plan.

Mr. Speaker, I am a small government guy. I am the guy that stands up on the curb and says we need less government. There are limited areas where I personally believe government, our Federal Government, should be involved, but those are national defense, national security, major infrastructure projects like interstates, maintenance of large river systems, and aerospace and airspace. Everything else, let's let the States and the local governments handle it. I think they can do a better job.

But in this case, in our national airspace where we have both civilian and military operating, again, tens of thou-

sands of times a day, then we need to take a step back and look at our safety record. It has been impeccable for the last several years, and these air traffic controllers are doing a phenomenal job.

My concern, again, is that this private corporation that is in this AIRR Act that we will be asked to vote on will be required to hire all Federal air traffic organization employees, but they will continue to contribute to their Federal benefits and healthcare and continue to collectively bargain with their union representatives.

So, for me, trying to argue that this model of “privatization”—and I will use that in quotation marks—will increase efficiency and keep operational costs down, these labor provisions that we are giving them in this bill are not a very good ringing endorsement. So if we are going to talk privatization, let's not have a hybrid here. We need to keep it the way it is.

The airspace in America, no one can compare the size, the traffic, the complexity. It is just a phenomenal work of art that happens every day and, again, in a very safe manner. Try to compare us in America with any other system, whether it be the United Kingdom, whether it be Canada. It is like comparing apples to oranges. Again, our volume is so massive compared to any other country that you really can't compare them at all.

I want to give you an example. I wrote this down so I would get it right.

It says, in 2016, the FAA handled over 16 million flights in the U.S.—16 million, think about that—while NAV CANADA, which is the private corporation that handles Canada's airspace, only handled 5 million, 5.5 million, in the same year.

□ 2115

It is impossible to say whether a system similar to Canada's could be adopted in the United States. Mr. Speaker, I have flown in Canadian airspace. I have lost radar contact; I have lost communications; and that is, again, not any shun on Canada. They are a vast, large country with large swaths that are uncovered with radar, I am sure. But again, when I am up there talking to them, the times I have been up there, there may be only one other aircraft in the system or in that area with me.

Back in the United States, I have been in many situations in large areas like Dallas, Houston, or Chicago where it is so busy that you have to wait to get a word in edgewise. But when you do, you get very succinct instruction. You get vectored properly the right way, and you get separation of the small guys like myself from the large guys like the big airline carriers. Again, this routine happens thousands and thousands of times a day, and it happens without incident or accident.

So again, we have got a system that is working. Again, I am all for modernization. We need new equipment. We need better equipment for our airports

and for our air traffic controllers. Again, if it makes the system work more efficiently, I am all for that. But again, why take the air traffic controllers that have done such a great job for so many years out of the loop.

Modernization should be a goal of any system, and it doesn't just mean our airspace. Anything we can do in government to make it better and more efficient, I am all for it. Again, I am your less government guy. But in this instance, privatization of air traffic controllers is not the answer, especially when it means handing over the control of our airspace, the taxpayers' airspace, to a private board unaccountable to the Federal Government.

And I don't know, Mr. Speaker, but history tells me that they may come running back to Congress for a bailout when times get tough. I hope that doesn't happen if this bill should pass. Again, I am opposed to the bill. But we know it has happened so many times in the past when we have allowed situations like this to develop.

Can the Federal Government do a better job in implementing NextGen technology? NextGen technology is the next generation. Again, we live in a phenomenal world of technology. I am living proof of a pilot that used to fly with what we called steam gauges, where we had to look at things much differently. Now I fly in a cockpit that is completely digital. I am in awe of what I am flying in my little airplane as compared to what I was flying in just a few years ago. But we want that technology to be handled in the proper way. The FAA management issue can be fixed by this Congress.

Again, I go back. We have invested billions of dollars in this next generation technology. I simply don't want to take that pile of money and that technology and hand it to this private corporation and say: “Here, guys, it is yours now.”

This is not what we are paid to do up here in Congress. We are paid to watch the taxpayers' money. Hopefully, part of our job is to watch where this money goes and to make sure it is spent wisely.

The uncertainty and the lost time of transferring this air traffic control to a private board will only cause delays. Again, I go back to what we have done in the past with other entities where we have tried to move from a Federal or a government agency to a private agency or vice versa. The transition time is usually lengthy. It is usually inefficient, and mistakes are made.

Here, Mr. Speaker, we are not talking just about civilian travel. We are talking about our Department of Defense, so it becomes a safety issue and a national security issue.

Modernization and privatization are not synonymous. They are actually two diverse courses that really have no business in the same bill. We should continue to take steps to provide adequate funding for the FAA and remove

barriers for modernization while maintaining U.S. airspace as the safest and most accessible in the world.

Again, Mr. Speaker, I want to commend everyone who has worked on this bill. There have been, I am sure, countless hours. There are some good things in this bill that we need to do. I have addressed the modernization issue. But again, it is the privatization of our air traffic control that gives me pause and that gives me great concern on some of the issues that I have mentioned here in this short period of time.

So I want to take a step back from this AIRR Act. I want to work with my colleagues, see what we can do to get it right and keep our skies safe. Once again I will say: I am the guy that wants less government. This is one of the few areas where government has done a good job, will continue to do a good job, and of those 87,000 flights a day, keep them safe.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARINO (at the request of Mr. McCARTHY) for today on account of travel delays.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and the balance of the week on account of attending to husband's health situation.

ADJOURNMENT

Mr. ABRAHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 18, 2017, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1997. A letter from the Acting Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a review of the Advanced Arresting Gear (AAG) program, pursuant to 10 U.S.C. 2433a(b); Public Law 111-23, Sec. 206(a)(1) (as amended by Public Law 111-383, Sec. 1075(b)(35)); (124 Stat. 4371); to the Committee on Armed Services.

1998. A letter from the Deputy Assistant Secretary, Bureau Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-123, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1999. A letter from the Deputy Assistant Secretary, Bureau Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 16-129, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2000. A letter from the Auditor, Office of the District of Columbia Auditor, transmit-

ting a report entitled, "Metropolitan Police Monitor Nearly 2,500 Demonstrations in 2014-2016 and Report No First Amendment Inquiries"; to the Committee on Oversight and Government Reform.

2001. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting the Agency's Semi-annual Report for the period ending March 31, 2017, pursuant to Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

2002. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [SATS No.:PA-164-FOR; Docket No.: OSM-2016-0013; S1D1S SS08011000 SX064A000 178S180110; S2D2S SS08011000 SX064A000 17XS501520] received July 12, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

2003. A letter from the Chief, Branch of Recovery and State Grants, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removing the Greater Yellowstone Ecosystem Population of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife [Docket No.: FWS-R6-ES-2016-0042; FXES113090000C6-178-FF09E42000] (RIN: 1018-BA41) received July 13, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

2004. A letter from the Director, National Legislative Division, American Legion, transmitting statements describing the financial condition of The American Legion as of December 31, 2016 and 2015 along with supplemental data; to the Committee on the Judiciary.

2005. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of Defense, transmitting additional legislative proposals that the Department of Defense requests be enacted during the first session of the 115th Congress; jointly to the Committees on Armed Services and Foreign Affairs.

2006. A letter from the Regulations Coordinator, Office of Strategic Operations and Regulatory Affairs, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Reform of Requirements for Long-Term Care Facilities [CMS-3260-F2] (RIN: 0938-AR61) received July 11, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALDEN: Committee on Energy and Commerce. H.R. 2910. A bill to provide for Federal and State agency coordination in the approval of certain authorizations under the Natural Gas Act, and for other purposes (Rept. 115-223). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 3050. A bill to amend the Energy Policy and Conservation Act to provide Federal financial assistance to States to implement, review, and revise State energy security plans, and for other purposes; with an

amendment (Rept. 115-224). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALDEN: Committee on Energy and Commerce. H.R. 2883. A bill to establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity; with an amendment (Rept. 115-225, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCARTHY: Committee on Homeland Security. H.R. 1351. A bill to amend title 49, United States Code, to direct the Administrator of the Transportation Security Administration (TSA) to make certain improvements in managing TSA's employee misconduct, and for other purposes; with an amendment (Rept. 115-226). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. House Joint Resolution 76. A resolution granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metro-Rail Safety Commission; with an amendment (Rept. 115-227). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. House Joint Resolution 92. A resolution granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to amend the Washington Area Transit Regulation Compact (Rept. 115-228). Referred to the House Calendar.

Mr. BURGESS: Committee on Rules. House Resolution 451. A resolution providing for consideration of the bill (H.R. 806) to facilitate efficient State implementation of ground-level ozone standards, and for other purposes (Rept. 115-229). Referred to the House Calendar.

Mr. SIMPSON: Committee on Appropriations. H.R. 3266. A bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2018, and for other purposes (Rept. 115-230). Referred to the Committee of the Whole House on the state of the Union.

Mr. CULBERSON: Committee on Appropriations. H.R. 3267. A bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2018, and for other purposes (Rept. 115-231). Referred to the Committee of the Whole House on the state of the Union.

Mr. ADERHOLT: Committee on Appropriations. H.R. 3268. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2018, and for other purposes (Rept. 115-232). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Transportation and Infrastructure and Natural Resources discharged from further consideration. H.R. 2883 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows: