



## Health Policy Briefing

May 20, 2024

### House Appropriators Release Preliminary Top-Line Spending Amounts

House Appropriations Committee Chair Tom Cole (R-Okla.) released interim subcommittee allocations for fiscal year 2025 spending bills last week. The top-line funding amounts known as 302(b) allocations are in keeping with the spending caps set by the **Fiscal Responsibility Act of 2023**, last year's debt-limit agreement. The caps on spending would cut nondefense programs by 6% while increasing defense spending by 1%. The cuts would not be spread evenly across the bills, with the Labor-Health and Human Services-Education appropriations bill, which funds the National Institutes of Health and other federal health-related programs, facing a more significant cut of 10-11%. House appropriators are scheduled to meet this week to vote on the top-line spending levels. The Labor-Health and Human Services-Education Subcommittee is expected to mark up its bill on June 27, with a full committee markup set for July 10.

### E&C Subcommittee Advances 21 Health Care Bills

The House Energy and Commerce Subcommittee on Health marked up a slate of health care proposals last week, including legislation to extend for two years Medicare patient access to pandemic-era telehealth flexibilities that are set to expire in December. The **Telehealth Modernization Act of 2024** (H.R. 7623) was unanimously advanced to the full committee for consideration. The twenty other bills agreed to by the subcommittee include:

- H.R. 3227, the **Ensuring Seniors' Access to Quality Care Act**, forwarded by a vote of 13-12.
- H.R. 468, the **Building America's Health Care Workforce Act**, forwarded by a vote of 14-8.
- H.R. 3433, the **Give Kids a Chance Act**, forwarded by a vote of 16-11. The latest version of the bill was updated to include the **Creating Hope Reauthorization Act of 2024** (H.R. 7384) and the **RARE Act** (H.R. 7383).
- H.R. 7188, the **Shandra Eisenga Human Cell and Tissue Product Safety Act**, forwarded by a vote of 27-9.
- H.R. 6020, the **Honor Our Living Donors Act**, forwarded by a vote of 24-0.
- H.R. 455, to amend the Controlled Substances Act

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- to fix a technical error in the definitions, forwarded by a vote of 24-0.
- H.R. 7213, the **Autism Collaboration, Accountability, Research, Education, and Support (CARES) Act of 2024**, forwarded by a vote of 22-0.
  - H.R. 4534, the **Women and Lung Cancer Research and Preventive Services Act of 2023**, forwarded by a vote of 21-0.
  - H.R. 670, the **Think Differently Database Act**, forwarded by a vote of 20-0.
  - H.R. 8084, the **LIVE Beneficiaries Act**, forwarded by a vote of 18-0.
  - H.R. 7858, the **Telehealth Enhancement for Mental Health Act of 2024**, forwarded by a vote of 22-0.
  - H.R. 8111, the **Medicaid Program Improvement Act**, forwarded by a vote of 22-0.
  - H.R. 8089, the **Medicare and Medicaid Fraud Prevention Act of 2024**, forwarded by a vote of 22-0.
  - H.R. 8112, to amend title XIX of the Social Security Act to further require certain additional provider screening under the Medicaid program, forwarded by a vote of 23-0.
  - H.R. 6033, the **Supporting Patient Education And Knowledge (SPEAK) Act of 2023**, forwarded by a vote of 23-0.
  - H.R. 1406, the **Sustainable Cardiopulmonary Rehabilitation Services in the Home Act**, forwarded by voice vote.
  - H.R. 7856, the **PREVENT DIABETES Act**, forwarded by voice vote.
  - H.R. 5394, the **Expanding Remote Monitoring Access Act**, forwarded by voice vote.
  - H.R. 1199, the **Facilitating Innovative Nuclear Diagnostics Act of 2023**, forwarded by voice vote.
  - H.R. 4758, the **Accelerating Kids' Access to Care Act**, forwarded by voice vote.

### House BIOSECURE Bill Advances Out of Committee

The House Oversight and Accountability Committee advanced the **BIOSECURE Act** (H.R. 8333) with overwhelming bipartisan support last week. The legislation would prohibit Chinese biotechnology companies of concern from receiving federal contracts, grants, or loans and is aimed at blocking foreign governments from accessing Americans' health and genomic data. The Senate version of the bill (S. 3558) was advanced out of the Homeland Security and Governmental Affairs Committee earlier this year. House Oversight Chairman James Comer (R-Ky.) stated that he expects a floor vote on the bill in the next 30 days, while Senate Homeland Security Chairman Gary Peters (D-Mich.) has discussed the possibility of attaching the legislation to the annual must-pass **National Defense Authorization Act**.

### FAA Reauthorization Includes Possible Change to Organ Transportation Policy and Updates to In-Flight Emergency Medical Kits

President Joe Biden has signed into law a five-year reauthorization of the Federal Aviation Administration (FAA) following House passage of the FAA legislation last week. The bill includes a provision to create a working group to identify best practices for the transportation of organs via the nation's commercial airline system. The working group would include air carrier and organ transplant provider representatives and will consider whether organs could once again travel in the main cabin of an airplane. Organs have traveled in the cargo hold of planes since September 11, when security protocols changed to no longer permit individuals to accompany an organ through security without an airplane ticket. The Act also requires the FAA to promulgate a rulemaking related to aircraft first aid and emergency medical kit equipment and training to consider whether the current requirements for minimum contents of emergency medical kits include appropriate medications to address certain emergency medical needs such as anaphylaxis.

## Finance Leaders Release White Paper on Physician Payment Reform

Senate Finance Committee Chairman Ron Wyden (D-Ore.) and Ranking Member Mike Crapo (R-Idaho) released a [white paper](#) last week outlining potential policies to reform the physician payment system and improve care of Medicare beneficiaries with chronic illness. The lawmakers focus mainly on issues related to Medicare Part B clinician payment policy, alternative payment models, and telehealth. The following areas of interest are highlighted as possible opportunities for reform:

- Creating sustainable payment updates to ensure clinicians can own and operate their practices;
- Incentivizing alternative payment models that reward providing better care at a lower cost;
- Rethinking how Medicare measures quality care;
- Improving primary care;
- Supporting chronic care benefits in Medicare fee-for-service; and
- Ensuring continued access to telehealth.

The paper specifies that the committee will continue to conduct outreach to stakeholders and experts in an effort that will “ideally culminate in bipartisan legislation.”

## Bipartisan Senate Workgroup Releases AI Roadmap

The Bipartisan Senate AI Working Group released its [roadmap](#) for artificial intelligence (AI) policy last week. The 30-page document outlines an AI priorities framework for policymakers to consider during the remainder of the 118th Congress and beyond, and it summarizes the findings from stakeholder meetings and the all-senator AI Insight Forums which have taken place since the working group first convened nearly a year ago. The working group, comprised of Majority Leader Charles Schumer (D-NY), Sen. Mike Rounds (R-SD), Sen. Martin Heinrich (D-NM), and Sen. Todd Young (R-IN), touches on a number of policies of relevance to the health care sector, recommending a risk-based approach to AI regulation, the need for appropriate guardrails and safety measures in the health care space, funding for cross-government R&D that includes the National Institutes of Health, and standards setting for AI user and developer liability. Majority Leader Schumer intends to meet with House Speaker Mike Johnson (R-La.) in the coming weeks to discuss a path forward for AI legislation.

## Sanders’ Releases Report on ‘How Weight Loss Drugs Could Bankrupt American Health Care’

Senate Health, Education, Labor, and Pensions (HELP) Committee Chairman Bernie Sanders (I-Vt.) has released a [report](#) examining the price of new weight loss drugs like Novo Nordisk’s Ozempic and Wegovy. The report finds that if half of all Medicare and Medicaid patients who are obese took Wegovy and other weight loss drugs, the cost to the Medicare and Medicaid programs could total \$166 billion per year – nearly the same cost as spending on all retail prescription drugs in 2022. Sanders warns that the high prices of these drugs could result in a historic increase in premiums for Medicare and commercial health insurance. “Pricing drugs based on their value cannot serve as a blank check, or the sole determinant for how we understand what to pay for essential goods,” the report argues.

## Cassidy Releases White Paper on Modernizing NIH

Senate HELP Committee Ranking Member Bill Cassidy (R-La.) has released a [white paper](#) exploring how to modernize the National Institutes of Health (NIH), ensure transparency in NIH operations, and maintain American biomedical leadership. The white paper follows Cassidy’s September 2023 request for information on reforming the NIH and makes recommendations for maximizing the effectiveness of current NIH funding and restoring public trust in science. “While we now have more opportunities to advance the health and wellbeing of the American people through biomedical innovation, the risks of failure—whether by failing to harness research opportunities, the erosion of the domestic biomedical research workforce, the proliferation of low-quality research, or poor oversight that threatens public trust in science—are greater than ever before,” Cassidy writes. “I look forward to working with all interested stakeholders and my colleagues on the HELP Committee to harness this opportunity to strengthen NIH for the next generation of Americans.”

## Congressional Retirements and Resignations

A running list of members of Congress who are retiring or seeking other office can be found below.

<b>SENATE</b>	
Stabenow (D), MI	Braun (R), IN
Cardin (D), MD	Romney (R), UT
Carper (D), DE	
Butler (D), CA	
Manchin (D), WV	
Sinema (I), AZ	
<b>HOUSE OF REPRESENTATIVES</b>	
Porter (D), CA	Mooney (R), WV
Lee (D), CA	Banks (R), IN
Gallego (D), AZ	Bishop (R), NC
Schiff (D), CA	Lesko (R), AZ
Slotkin (D), MI	Granger (R), TX
Allred (D), TX	Buck (R), CO (effective March 22, 2024)
Trone (D), MD	Burgess, MD (R), TX
Blunt Rochester (D), DE	Wenstrup, DPM (R), OH
Napolitano (D), CA	McHenry (R), NC
Wexton (D), VA	McCarthy (R), CA (effective Dec. 31, 2023)
Kim, Andy (D), NJ	Johnson (R), OH (effective Jan. 21, 2024)
Jackson, Jeff (D), NC	Ferguson, IV, DMD, PC (R), GA
Sarbanes (D), MD	Curtis (R), UT
Blumenauer (D), OR	Luetkemeyer (R), MO
Kilmer (D), WA	Lamborn (R), CO
Spanberger (D), VA	Bucshon, MD (R), IN
Kildee (D), MI	Pence (R), IN
Phillips (D), MN	Duncan (R), SC
Cardenas (D), CA	Armstrong (R), ND
Eshoo (D), CA	McMorris Rodgers (R), WA
Manning (D), NC	Gallagher (R), WI (effective April 19, 2024)
Higgins (D), NY (effective Feb. 2, 2024)	LaTurner (R), KS
Nickel (D), NC	
Ruppersberger (D), MD	
Sablan (D), MP	
Kuster (D), NH	

## Upcoming Congressional Hearings and Markups

Senate Judiciary Committee hearing “Ensuring Affordable & Accessible Medications: Examining Competition in the Prescription Drug Market;” 10:00 a.m.; May 21

Senate Health, Education, Labor, and Pensions Subcommittee on Primary Health and Retirement Security hearing “Feeding a Healthier America: Current Efforts and Potential Opportunities for Food is Medicine;” 2:30 p.m.; May 21

House Energy and Commerce Subcommittee on Health hearing “Check Up: Examining FDA Regulation of Drugs, Biologics, and Devices;” 10:30 a.m.; May 22

House Select Subcommittee on the Coronavirus Pandemic hearing with the National Institute of Allergy and Infectious Diseases Senior Scientific Advisor, Dr. David Morens; 2:00 p.m.; May 22

House Ways and Means Subcommittee on Health hearing “The Collapse of Private Practice: Examining the Challenges Facing Independent Medicine;” 9:00 a.m.; May 23

Senate Specialty Committee on Aging hearing “The Older Americans Act: The Local Impact of the Law and the Upcoming Reauthorization;” 9:30 a.m.; May 23

Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies hearing “A Review of the President’s Fiscal Year 2025 Budget Request for the National Institutes of Health;” 10:00 a.m.; May 23

Senate Finance Committee hearing “Front Lines of the Fentanyl Crisis: Supporting Communities and Combating Addiction through Prevention and Treatment;” 10:00 a.m.; May 23

House Budget Committee hearing “Breaking Up Health Care Monopolies: Examining the Budgetary Effects of Health Care Consolidation;” 10:00 a.m.; May 23

Senate Health, Education, Labor, and Pensions Committee executive session to consider seven health care related bills, including the **Dr. Lorna Breen Health Care Provider Protection Reauthorization Act** (S. 3679), **Lifespan Respite Care Reauthorization Act** (S. 4325), and **Congenital Heart Futures Reauthorization Act** (S. 3757); 10:00 a.m.; May 23

## Recently Introduced Health Legislation

H.R.8364 — To amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions. Sponsor: Scalise, Steve [Rep.-R-LA-1]; Committees: House - Judiciary

H.R.8360 — To amend the Federal Food, Drug, and Cosmetic Act to deem any sunscreen or cosmetic containing parabens to be adulterated. Sponsor: Luna, Anna Paulina [Rep.-R-FL-13]; Committees: House - Energy and Commerce

H.R.8354 — To provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes. Sponsor: Jackson, Jonathan L. [Rep.-D-IL-1]; Committees: House - Judiciary

H.R.8348 — To establish in the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security a task force on artificial intelligence, and for other purposes. Sponsor: Carter, Troy A. [Rep.-D-LA-2]; Committees: House - Homeland Security

H.R.8347 — To direct the Comptroller General of the United States to conduct a study on menopause care furnished by the Department of Veterans Affairs, and for other purposes. Sponsor: Brownley, Julia [Rep.-D-CA-26]; Committees: House - Veterans' Affairs

H.R.8346 — To assist survivors of stroke and other debilitating health occurrences in returning to work. Sponsor: Beatty, Joyce [Rep.-D-OH-3]; Committees: House - Education and the Workforce

H.R.8333 — To prohibit contracting with certain biotechnology providers, and for other purposes. Sponsor: Wenstrup, Brad R. [Rep.-R-OH-2]; Committees: House - Oversight and Accountability; Intelligence

H.J.Res.139 — Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services relating to “Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting”. Sponsor: Fischbach, Michelle [Rep.-R-MN-7]; Committees: House - Energy and Commerce; Ways and Means

H.Res.1217 — Supporting the designation of May 10, 2024, as “National Asian American, Native Hawaiian, and Pacific Islander Mental Health Day”. Sponsor: Chu, Judy [Rep.-D-CA-28]; Committees: House - Energy and Commerce

H.Res.1216 — Expressing support for the goals and ideals of National Stroke Awareness Month. Sponsor: Beatty, Joyce [Rep.-D-OH-3]; Committees: House - Energy and Commerce

S.Res.684 — A resolution supporting the role of the United States in helping save the lives of children and protecting the health of people in low-income countries with vaccines and immunization through Gavi, the Vaccine Alliance (“Gavi”); Sponsor: Wicker, Roger F. [Sen.-R-MS]; Committees: Senate - Foreign Relations

S.4322 — A bill to amend title XVIII of the Social Security Act to make improvements relating to the designation of rural emergency hospitals; Sponsor: Moran, Jerry [Sen.-R-KS]; Committees: Senate - Finance

S.4325 — A bill to amend the Public Health Service Act to reauthorize the program relating to lifespan respite care, and for other purposes; Sponsor: Collins, Susan M. [Sen.-R-ME]; Committees: Senate - Health, Education, Labor, and Pensions

S.4330 — A bill to amend Title XVIII of the Social Security Act to create a Radiation Oncology Case Rate Value Based Payment Program exempt from budget neutrality adjustment requirements, and to amend section 1128A of title XI of the Social Security Act to create a new statutory exception for the provision of free or discounted transportation for radiation oncology patients to receive radiation therapy services; Sponsor: Tillis, Thomas [Sen.-R-NC]; Committees: Senate - Finance

S.4331 — A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers offering group or individual health insurance that provide coverage for mental health services and substance use disorder services provide such services without the imposition of cost-sharing from the diagnosis of pregnancy through the 1-year period following such pregnancy, and for other purposes; Sponsor: Shaheen, Jeanne [Sen.-D-NH]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.8375 — To require the Secretary of Health and Human Services to issue guidance to States on strategies under Medicaid and CHIP to increase pediatric mental and behavioral health provider education, training, recruitment, retention, and support, and for other purposes; Sponsor: Caraveo, Yadira [Rep.-D-CO-8]; Committees: House - Energy and Commerce

H.R.8376 — To amend the Public Health Service Act to provide for a national awareness and outreach campaign to improve mental health among the Hispanic and Latino youth population; Sponsor: Caraveo, Yadira [Rep.-D-CO-8]; Committees: House - Energy and Commerce

H.R.8377 — To amend the Advancing Research to Prevent Suicide Act to expand the areas of focus regarding childhood suicide, and for other purposes; Sponsor: Caraveo, Yadira [Rep.-D-CO-8]; Committees: House - Science, Space, and Technology

H.R.8380 — To criminalize fraudulent statements made with respect to clinical vaccine trials; Sponsor: Green, Mark E. [Rep.-R-TN-7]; Committees: House - Energy and Commerce; Judiciary

H.R.8383 — To improve obstetric emergency care; Sponsor: Kelly, Robin L. [Rep.-D-IL-2]; Committees: House - Energy and Commerce

H.R.8390 — To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers offering group or individual health insurance that provide coverage for mental health services and substance use disorder services provide such services without the imposition of cost-sharing from the diagnosis of pregnancy through the 1-year period following such pregnancy, and for other purposes; Sponsor: Moore, Gwen [Rep.-D-WI-4]; Committees: House - Energy and Commerce; Education and the Workforce; Ways and Means; Oversight and Accountability

H.R.8397 — To provide funding to the Bureau of Prisons, States, and localities to carry out mental health screenings and provide referrals to mental healthcare providers for individuals in prison or jail; Sponsor: Sherrill, Mikie [Rep.-D-NJ-11]; Committees: House – Judiciary

H.R.8400 — To amend the Public Health Service Act to improve children’s vision and eye health through grants to States, territories, and Tribal organizations, and the provision of technical assistance to support those efforts; Sponsor: Veasey, Marc A. [Rep.-D-TX-33]; Committees: House - Energy and Commerce

S.Res.689 — A resolution supporting the goals and ideals of National Hospital Week, to be observed from May 12 through May 18, 2024; Sponsor: Barraso, John [Sen.-R-WY]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.Res.691 — A resolution expressing support for the designation of May 17, 2024, as “DIPG Pediatric Brain Cancer Awareness Day” to raise awareness of, and encourage research on, diffuse intrinsic pontine glioma tumors and pediatric cancers in general; Sponsor: Rubio, Marco [Sen.-R-FL]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.Res.692 — A resolution supporting the mission and goals of National Fentanyl Awareness Day in 2024, including increasing individual and public awareness of the impact of fake or counterfeit fentanyl pills on families and young people; Sponsor: Grassley, Chuck [Sen.-R-IA]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.J.Res.82 — A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Food and Drug Administration relating to “Medical Devices; Laboratory Developed Tests”; Sponsor: Paul, Rand [Sen.-R-KY]; Committees: Senate - Health, Education, Labor, and Pensions

S.4338 — A bill to provide for the establishment of hybrid primary care payments under the Medicare program, and for other purposes; Sponsor: Whitehouse, Sheldon [Sen.-D-RI]; Committees: Senate – Finance

S.4349 — A bill to require private health plans to provide for secure electronic transmission of prior authorization requests for prescription drugs; Sponsor: Marshall, Roger [Sen.-R-KS]; Committees: Senate - Health, Education, Labor, and Pensions

S.4350 — A bill to amend title XVIII of the Social Security Act to extend acute hospital care at home waiver flexibilities; Sponsor: Carper, Thomas R. [Sen.-D-DE]; Committees: Senate - Finance

S.4351 — A bill to amend the Public Health Service Act to reauthorize certain poison control programs; Sponsor: Murray, Patty [Sen.-D-WA]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.8404 — To amend Title XVIII of the Social Security Act to create a Radiation Oncology Case Rate Value Based Payment Program exempt from budget neutrality adjustment requirements, and to amend section 1128A of title XI of the Social Security Act to create a new statutory exception for the provision of free or discounted transportation for radiation oncology patients to receive radiation therapy services; Sponsor: Fitzpatrick, Brian K. [Rep.-R-PA-1]; Committees: House - Energy and Commerce; Ways and Means

H.R.8412 — To modernize clinical trials and remove barriers for participation in clinical trials, and for other purposes; Sponsor: Ruiz, Raul [Rep.-D-CA-25]; Committees: House - Energy and Commerce; Ways and Means

H.R.8415 — To require the Inspector General of the Department of Health and Human Services to evaluate the cybersecurity practices and protocols of the Department, and for other purposes; Sponsor: Steel, Michelle [Rep.-R-CA-45]; Committees: House - Energy and Commerce

S.4357 — A bill to improve access to oral health care for vulnerable and underserved populations; Sponsor: Sanders, Bernard [Sen.-I-VT]; Committees: Senate - Health, Education, Labor, and Pensions

S.4358 — A bill to amend the Public Health Service Act to require the Secretary to establish a grant program under the Substance Abuse and Mental Health Services Administration to address substance use disorders among older adults, and for other purposes; Sponsor: Casey, Robert P., Jr. [Sen.-D-PA]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.1232 — Expressing support for the goals and ideals of “National Hypertension Awareness Month”; Sponsor: Beatty, Joyce [Rep.-D-OH-3]; Committees: House - Energy and Commerce

H.Res.1237 — Recognizing “Necrotizing Enterocolitis Awareness Day”; Sponsor: Thompson, Mike [Rep.-D-CA-4]; Committees: House - Energy and Commerce

H.J.Res.145 — Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Food and Drug Administration relating to “Medical Devices; Laboratory Developed Tests”; Sponsor: Finstad, Brad [Rep.-R-MN-1]; Committees: House - Energy and Commerce

H.J.Res.146 — Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services relating to “Clarifying the Eligibility of Deferred Action for Childhood Arrivals (DACA) Recipients and Certain Other Noncitizens for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a Basic Health Program”; Sponsor: Mace, Nancy [Rep.-R-SC-1]; Committees: House - Energy and Commerce; Ways and Means

H.R.8418 — To direct the Secretary of Veterans Affairs to update the Lethal Means Safety and Suicide Prevention training course of the Department of Veterans Affairs, and for other purposes; Sponsor: Underwood, Lauren [Rep.-D-IL-14]; Committees: House - Veterans’ Affairs



H.R.8422 — To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish programs for the provision of mental health services to individuals affected by a major disaster, and for other purposes; Sponsor: Balint, Becca [Rep.-D-VT-At Large]; Committees: House - Transportation and Infrastructure; Homeland Security

H.R.8433 — To amend the Public Health Service Act to require the National Institutes of Health to select awardees based on merit, and for other purposes; Sponsor: Hageman, Harriet M. [Rep.-R-WY-At Large]; Committees: House - Energy and Commerce