



Health Policy Briefing

May 28, 2024

E&C Advances Data Privacy Bill

The House Energy and Commerce Committee unanimously advanced the latest version of the *American Privacy Rights Act* in a full committee markup last week. The discussion draft, which is the product of bipartisan, bicameral negotiations between Senate Commerce Chair Maria Cantwell (D-Wash.) and Energy and Commerce Chair Cathy McMorris Rodgers (R-Wash.), aims to strengthen consumer data privacy rights. The bill provides individuals with new consumer privacy rights and includes data minimization requirements and a broad private right of action. *Health Insurance Portability and Accountability Act* (HIPPA) covered entities are generally exempt from the draft legislation, but they would be required to comply with its data security provisions.

Senate to Vote on Reproductive Rights Legislation

Senate Majority Leader Chuck Schumer (D-N.Y.) announced his plans to bring reproductive rights bills to the floor for a vote in June. The *Right to Contraception Act* (S. 1999) would create a right to access contraception, and for health care providers to provide patients with contraception. The *Access to Family Building Act* (S. 3612) would create a right to access for in vitro fertilization services. While neither bill has GOP support, Democrats are aiming to put their Republican colleagues on the record about reproductive rights issues ahead of the November elections. Senate Health, Education, Labor, and Pensions Committee Chairman Bernie Sanders (I-Vt.) stated that his panel is considering action on these issues next month as well.

House Appropriators Adopt Topline Spending Levels

The House Appropriations Committee adopted top line funding levels for the 12 fiscal year (FY) 2025 annual appropriations measures in a 30-22 partisan vote last week. The caps on spending 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.

They would cut nondefense programs by 6% while increasing defense spending by 1%. The Committee also advanced its FY 2025 Military Construction-Veterans Affairs (VA) bill in a party line 34-25 vote. The committee [report](#) accompanying the bill highlights that the nation's ability to manufacture essential medical devices is at

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serious risk because of efforts by Chinese manufacturers to enter the market. The report warns of the potential for hospitals to become dependent on Chinese supplies and calls for a study on the percentage of Chinese-made medical devices and recommendations on how the VA can reduce its dependency on Chinese devices. While House Republicans are aiming to pass all 12 government funding bills by the end of July, Appropriations Committee Chairman Tom Cole (R-Okla.) has acknowledged that Congress will likely resort to the passage of a continuing resolution to fund the government beyond the September 30 deadline. GOP leaders are reportedly planning the following timeline for voting on appropriations measures:

House Republicans Release Plan for Votes on Appropriations Bills Panel aims to complete markup work by July 10, votes before August recess

| Bill | Subcommittee | Full Committee | House Vote (targeted week) |
|----------------------------|--------------|----------------|----------------------------|
| Agriculture-FDA | June 11 | July 10 | July 21 |
| Commerce-Justice-Science | June 12 | July 9 | July 21 |
| Defense | June 5 | June 13 | June 24 |
| Energy & Water Development | June 28 | July 9 | July 29 |
| Financial Services | June 5 | June 13 | July 21 |
| Homeland Security | June 4 | June 12 | June 24 |
| Labor-HHS-Education | June 27 | July 10 | July 29 |
| Legislative Branch | May 23 | June 13 | July 8 |
| Interior-Environment | June 28 | July 9 | July 21 |
| Military Construction-VA | May 21 | May 23 | June 3 |
| State-Foreign Operations | June 4 | June 12 | June 24 |
| Transportation-HUD | June 27 | July 10 | July 29 |

Note: Plan also includes voting on annual defense policy bill the week of June 10 Bloomberg Government

Senators Urge Strong Support for NIH in FY 2025 Appropriations

A bipartisan group of nearly 60 senators have sent a [letter](#) to the Senate Appropriations Committee leadership urging appropriators to maintain a strong commitment to funding for the National Institutes of Health (NIH) in the Labor, Health and Human Services, and Education fiscal year (FY) 2025 appropriations bill. The letter, which was led by Sens. Bob Casey (D-Pa.) and Thom Tillis (R-N.C.), asks the committee “to consider the tremendous benefits of sustained and robust investment in the NIH,” and “to remember our Nation’s role as a world leader in biomedical research and the impact this research has on the American people.” The letter requests the full allocation of funding for the NIH provided by the **21st Century Cures Act**. Sens. Tammy Baldwin (D-Wis.) and Shelley Moore Capito (R-W.Va.) – chair and ranking member of the Labor-Health and Human Services (LHHS) Appropriations Subcommittee – have expressed their intent to increase NIH funding in the next fiscal year. Republicans in the House of Representatives recently proposed cutting the LHHS spending bill by \$40 billion; full details of the House appropriations bill are expected to be released in late June.

Finance Members Drafting Bipartisan GME Bill

A bipartisan group of Senate Finance Committee members are preparing to introduce legislation that would increase the number of federally-funded graduate medical education (GME) slots. The bill is a part of the committee's efforts to increase the number of physicians – particularly primary care and psychiatry providers – training and working in rural and underserved areas. The proposal would allocate 25% of the new slots to primary care physicians and 15% to psychiatry residents, and hospitals would be required to maintain the new GME slots for a decade. The U.S. Department of Health and Human Services would be required to track where the residents train and eventually end up practicing. The policymakers are still working to determine how many new GME slots to add, and what budgetary offsets will pay for the proposal.

Buchanan, Moore Launch New Preventive Health Caucus

Rep. Vern Buchanan (R-Fla.), chairman of the House Ways and Means Subcommittee on Health, and Rep. Gwen Moore (D-Wis.) launched the Congressional Preventive Health and Wellness Caucus last week. The group will focus on addressing the obesity epidemic through prevention, research, food as medicine, exercise, and health disparities. The cost of obesity to the nation will also be considered, with members planning to hold fact-finding hearings and introduce legislation on the subject.

Sen. Rick Scott to Run for Senate GOP Leader

Sen. Rick Scott (R-Fla.) announced his bid to succeed Minority Leader Mitch McConnell (R-Ky.) in a letter to colleagues last week. Sens. John Thune (R-S.D.) and John Cornyn (R-Texas) are also running to replace McConnell as GOP leader when he retires from the leadership post later this year. Scott is a first-term senator who will likely be considered an underdog in the race. Sen. Thune currently serves as the minority whip, while Sen. Cornyn preceded Thune as whip.

Evans, Murphy Health Updates

Rep. Dwight Evans (D-Pa.) is recovering from a minor stroke and is expected to be absent from Congress for six weeks. Evans received the diagnosis last week after experiencing difficulty with one of his legs, noting that he did not realize at the time of the incident that he was having a stroke. He is currently recovering at an inpatient rehabilitation facility. According to a statement from Evans' office, the congressman is expected to remain at the facility for about another week before transitioning to outpatient therapy. Evans noted his plans to work to "remove the stigma that sometimes accompanies strokes," noting that "many people can recover and continue on with their life and their work."

Rep. Greg Murphy, MD (R-N.C.) has undergone surgery to remove a pituitary macroadenoma at the base of his skull. Murphy stated on the social media platform X that his prognosis is "excellent," and that the tumor is most likely benign. Prior to being elected to Congress, Murphy worked as a urologist. Although it remains unclear when he will be back at work full time, Murphy stated that he will "continue to be a tireless advocate for those who take care of patients" when he returns to Capitol Hill.

CMS Taps New Chief Health Equity Officer

Martin Mendoza has been tapped to serve as the director of the Office of Minority Health and chief health equity officer at the Centers for Medicare and Medicaid Services. Mendoza replaces outgoing interim director Aditi Mallick. Mendoza previously has worked as the director of health equity for the All of Us research program at the National Institutes of Health and as the head of extramural research for minority health in the Office of the Commissioner of the Food and Drug Administration (FDA). He is the primary author of FDA guidance on the collection of race and ethnicity data in clinical trials.

Congressional Retirements and Resignations

California state assemblyman Vince Fong (R) won the special election to serve the remainder of former House Speaker Kevin McCarthy's (R-Calif.) term in the House of Representatives. Fong, who previously worked as McCarthy's district director, defeated Tulare County Sheriff Mike Boudreaux (R) in Tuesday's runoff election. The two candidates will face each other again in November to determine who will represent California's 20th congressional district for the next full term. Fong has been endorsed by McCarthy and former president Donald Trump. Once Fong is sworn in, the House will have 218 Republicans, 213 Democrats, and four vacancies.

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

| SENATE | |
|--|--|
| Stabenow (D), MI | Braun (R), IN |
| Cardin (D), MD | Romney (R), UT |
| Carper (D), DE | |
| Butler (D), CA | |
| Manchin (D), WV | |
| Sinema (I), AZ | |
| HOUSE OF REPRESENTATIVES | |
| 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

House Oversight and Accountability Select Subcommittee on the Coronavirus Pandemic hearing with Dr. Anthony Fauci; 10:00 a.m.; June 3

Recently Introduced Health Legislation

H.Res.1240 — Providing for consideration of the bill (H.R. 4121) to protect an individual's ability to access contraceptives and to engage in contraception and to protect a health care provider's ability to provide contraceptives, contraception, and information related to contraception; Sponsor: Manning, Kathy E. [Rep.-D-NC-6]; Committees: House – Rules

H.Res.1242 — Prioritizing mental health to the same degree as physical health to address the epidemics of suicide and drug overdose in the United States; Sponsor: Thanedar, Shri [Rep.-D-MI-13]; Committees: House - Energy and Commerce

H.R.8444 — To amend the Public Health Service Act to direct the Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, to establish grant programs to promote mental health in schools, and for other purposes; Sponsor: Napolitano, Grace F. [Rep.-D-CA-31]; Committees: House - Energy and Commerce

H.R.8458 — To amend title XVIII of the Social Security Act to expand access to psychological and behavioral services; Sponsor: Malliotakis, Nicole [Rep.-R-NY-11]; Committees: House - Energy and Commerce; Ways and Means

H.R.8465 — To amend title XXVII of the Public Health Service Act to increase health insurance access for individuals placing their newborns for adoption; Sponsor: Van Duyne, Beth [Rep.-R-TX-24]; Committees: House - Energy and Commerce

H.R.8466 — To amend division N of the Consolidated Appropriations Act, 2021 to improve the Affordable Connectivity Program, and for other purposes; Sponsor: Williams, Brandon [Rep.-R-NY-22]; Committees: House - Energy and Commerce; Financial Services; Transportation and Infrastructure; Science, Space, and Technology; Natural Resources; Oversight and Accountability; Foreign Affairs; Judiciary

S.4368 — A bill to amend title XIX of the Social Security Act to require, as a condition of receiving Federal Medicaid funding, that States do not prohibit in vitro fertilization (IVF) services, and for other purposes; Sponsor: Cruz, Ted [Sen.-R-TX]; Committees: Senate – Finance

S.4374 — A bill to amend the Older Americans Act of 1965 to include screening for loneliness and coordination of supportive services and health care to address the negative health effects of loneliness, to require a report on loneliness, and for other purposes; Sponsor: Rubio, Marco [Sen.-R-FL]; Committees: Senate - Health, Education, Labor, and Pensions

S.4375 — A bill to establish a critical supply chain resiliency and crisis response program in the Department of Commerce, and to secure American leadership in deploying emerging technologies, and for other purposes; Sponsor: Cantwell, Maria [Sen.-D-WA]; Committees: Senate - Commerce, Science, and Transportation

S.4381 — A bill to protect an individual's ability to access contraceptives and to engage in contraception and to protect a health care provider's ability to provide contraceptives, contraception, and information related to contraception; Sponsor: Markey, Edward J. [Sen.-D-MA]; Latest Action: Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time

H.Res.1248 — Recognizing the impact the stigmatization of menstruation has on the lives of women, girls, and people who menstruate, and expressing support for the designation of the month of May as “National Menstrual Health Awareness Month”; Sponsor: Meng, Grace [Rep.-D-NY-6]; Committees: House - Energy and Commerce; Education and the Workforce

H.R.8470 — To authorize the Secretary of Health and Human Services to make awards to increase or improve access to comprehensive mental and behavioral health services for individuals exposed to violent encounters involving law enforcement personnel, and for other purposes; Sponsor: Bush, Cori [Rep.-D-MO-1]; Committees: House - Energy and Commerce; Education and the Workforce; Judiciary

H.R.8475 — To direct the Secretary of Defense to submit to Congress a report on the correlation between service in the Armed Forces conducting explosive ordnance disposal and post-traumatic stress disorder, traumatic brain injury, and suicide; Sponsor: Crawford, Eric A. “Rick” [Rep.-R-AR-1]; Committees: House - Armed Services

H.R.8481 — To amend title 38, United States Code, to establish an extended deadline for the submission of applications regarding emergency treatment furnished in non-Department of Veterans Affairs medical facilities, and for other purposes; Sponsor: Mast, Brian J. [Rep.-R-FL-21]; Committees: House - Veterans’ Affairs

S.4394 — A bill to support National Science Foundation education and professional development relating to artificial intelligence; Sponsor: Cantwell, Maria [Sen.-D-WA]; Committees: Senate - Commerce, Science, and Transportation

H.Res.1251 — Honoring Rosalynn Smith Carter’s legacy in mental health advocacy; Sponsor: Carter, Earl L. “Buddy” [Rep.-R-GA-1]; Committees: House - Energy and Commerce

H.Res.1252 — Honoring the commitment and care of emergency medical services personnel; Sponsor: Guest, Michael [Rep.-R-MS-3]; Committees: House - Energy and Commerce

H.R.8493 — To establish the Task Force to Stop Price Gouging, and for other purposes; Sponsor: Craig, Angie [Rep.-D-MN-2]; Committees: House - Judiciary; Agriculture; Energy and Commerce

H.R.8503 — To provide States with support to establish integrated care programs for individuals who are dually eligible for Medicare and Medicaid, and for other purposes; Sponsor: Kelly, Mike [Rep.-R-PA-16]; Committees: House - Energy and Commerce; Ways and Means

H.R.8504 — To amend the Internal Revenue Code of 1986 to establish the critical supply chains reshoring investment tax credit; Sponsor: Malliotakis, Nicole [Rep.-R-NY-11]; Committees: House - Ways and Means

S.Res.709 — A resolution expressing support for the designation of May 2024 as “Mental Health Awareness Month”; Sponsor: Lujan, Ben Ray [Sen.-D-NM]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.711 — A resolution designating May 2024 as “American Stroke Month”; Sponsor: Lujan, Ben Ray [Sen.-D-NM]; Committees: Senate – Judiciary

S.Res.713 — A resolution designating May 2024 as “ALS Awareness Month”; Sponsor: Coons, Christopher A. [Sen.-D-DE]; Committees: Senate – Judiciary

S.Res.714 — A resolution recognizing and supporting individuals born with congenital disabilities or malformations due to thalidomide exposure; Sponsor: Kennedy, John [Sen.-R-LA]; Committees: Senate - Health, Education, Labor, and Pensions

S.J.Res.90 — A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Health and Human Services relating to “Nondiscrimination in Health Programs and Activities”; Sponsor: Marshall, Roger [Sen.-R-KS]; Committees: Senate - Health, Education, Labor, and Pensions

S.4395 — A bill to amend title XVIII of the Social Security Act to establish a floor on the work geographic index for physicians’ services furnished in Hawaii; Sponsor: Schatz, Brian [Sen.-D-HI]; Committees: Senate – Finance

S.4415 — A bill to require the Secretary of Defense to establish a medical readiness program in the Indo-Pacific region, and for other purposes; Sponsor: Duckworth, Tammy [Sen.-D-IL]; Committees: Senate - Armed Services

S.4423 — A bill to amend title 38, United States Code, to improve the provision of direct housing loans and medical care from the Department of Veterans Affairs for Native Hawaiians; Sponsor: Hirono, Mazie K. [Sen.-D-HI]; Committees: Senate - Veterans' Affairs

S.4426 — A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a time-limited conditional approval pathway, subject to specific obligations, for certain drugs and biological products, and for other purposes; Sponsor: Braun, Mike [Sen.-R-IN]; Committees: Senate - Health, Education, Labor, and Pensions

S.4428 — A bill to establish an interagency committee to coordinate activities of the Federal Government relating to biotechnology oversight, and for other purposes; Sponsor: Young, Todd [Sen.-R-IN]; Committees: Senate - Commerce, Science, and Transportation

S.4429 — A bill to require the Secretary of Health and Human Services to provide grants to demonstrate pharmacy-based addiction care programs; Sponsor: Booker, Cory A. [Sen.-D-NJ]; Committees: Senate - Health, Education, Labor, and Pensions

S.4430 — A bill to amend title XIX of the Social Security Act to establish a Health Engagement Hub demonstration program to increase access to treatment for opiate use disorder and other drug use treatment, and for other purposes; Sponsor: Cantwell, Maria [Sen.-D-WA]; Committees: Senate - Finance

H.Res.1257 — Expressing the need for enhanced public awareness of Huntington's Disease and support for the designation of a "National Huntington's Disease Awareness Month"; Sponsor: Pascrell, Bill [Rep.-D-NJ-9]; Committees: House - Energy and Commerce

H.Res.1260 — Expressing support for the designation of the month of May 2024 as "Progressive Supranuclear Palsy Awareness Month"; Sponsor: Wexton, Jennifer [Rep.-D-VA-10]; Committees: House - Energy and Commerce

H.Con.Res.109 — Expressing the sense of the Congress that assisted suicide (sometimes referred to using other terms) puts everyone, including those most vulnerable, at risk of deadly harm; Sponsor: Wenstrup, Brad R. [Rep.-R-OH-2]; Committees: House - Energy and Commerce

H.J.Res.160 — Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Health and Human Services relating to "Nondiscrimination in Health Programs and Activities"; Sponsor: Roy, Chip [Rep.-R-TX-21]; Committees: House - Energy and Commerce

H.R.8520 — To amend the Public Health Service Act to require the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to implement the Climate Ready Tribes Initiative; Sponsor: Underwood, Lauren [Rep.-D-IL-14]; Committees: House - Energy and Commerce

H.R.8529 — To authorize assistance to train and retain obstetrician-gynecologists and sub-specialists in urogynecology and to help improve the quality of care to meet the health care needs of women in least developed countries, and for other purposes; Sponsor: DeLauro, Rosa L. [Rep.-D-CT-3]; Committees: House - Foreign Affairs

H.R.8532 — To identify and address barriers to coverage of remote physiologic devices under State Medicaid programs to improve maternal and child health outcomes for pregnant and postpartum women; Sponsor: Frankel, Lois [Rep.-D-FL-22]; Committees: House - Energy and Commerce

H.R.8542 — To award a Congressional Gold Medal to Dr. Joseph B. Kirsner, in recognition of his service to the United States during World War II and his contributions to the medical field, particularly gastroenterology; Sponsor: Mast, Brian J. [Rep.-R-FL-21]; Committees: House - Financial Services

H.R.8543 — To amend the Social Security Act and the Public Health Service Act to permanently authorize certified community behavioral health clinics, and for other purposes; Sponsor: Matsui, Doris O. [Rep.-D-CA-7]; Committees: House - Energy and Commerce; Ways and Means

H.R.8561 — To amend title XVIII of the Social Security Act to address significant under projection of MA local area growth due to wage index reclassification; Sponsor: Tenney, Claudia [Rep.-R-NY-24]; Committees: House - Ways and Means; Energy and Commerce

H.R.8562 — To amend title 38, United States Code, to improve the provision of direct housing loans and medical care from the Department of Veterans Affairs for Native Hawaiians; Sponsor: Tokuda, Jill N. [Rep.-D-HI-2]; Committees: House - Veterans' Affairs

H.R.8563 — To amend title XVIII of the Social Security Act to establish a floor on the work geographic index for physicians' services furnished in Hawaii; Sponsor: Tokuda, Jill N. [Rep.-D-HI-2]; Committees: House - Energy and Commerce; Ways and Means

H.R.8564 — To require certain elements of the intelligence community to submit to the congressional intelligence committees a report with respect to biotechnology threats, and for other purposes; Sponsor: Wenstrup, Brad R. [Rep.-R-OH-2]; Committees: House - Intelligence (Permanent Select)

H.R.8565 — To advance research, promote awareness, and provide patient support with respect to endometriosis, and for other purposes; Sponsor: Williams, Nikema [Rep.-D-GA-5]; Committees: House - Energy and Commerce