



Health Policy Briefing

June 10, 2024

House Passes First FY 2025 Appropriations Bill

The House of Representatives passed the first of the 12 annual appropriations measures last week. The fiscal year (FY) 2025 Military Construction-Veterans Affairs (VA) appropriations bill (H.R. 5850) passed in a 209-197 vote. The House adopted an amendment to the bill from Rep. Brian Mast (R-Fla.) to end restrictions that currently prevent VA staff from recommending medical marijuana as a treatment option in states where it is legal to do so. While the White House has stated that the President would veto the legislation, which contains limits on federal diversity programs and cuts for military construction, the bill will serve as the starting point for House Republicans in bicameral government funding negotiations later this year. The Senate has not yet announced its FY 2025 appropriations plans. Congress has until the end of the fiscal year on September 30 to pass appropriations legislation or agree on a stopgap spending bill to keep the federal government open. Lawmakers will be in session only a limited number of weeks between now and the November election – both chambers are scheduled to recess for all of August and October, and for two weeks in July for the July 4th holiday and Republicans’ national convention.

Senate Republicans Block Vote on Contraception Bill

Republicans in the Senate blocked consideration of legislation (S. 4381) that would codify Americans’ right to access contraception last week. Sens. Lisa Murkowski (R-Alaska) and Susan Collins (R-Maine) were the only Republicans to vote in favor of the **Right to Contraception Act**. The bill failed on a 51-39 procedural vote, with 60 votes necessary for advancement. Congressional Democrats are attempting to put Republicans on the record on issues related to reproductive rights ahead of the November elections. Republicans argued that the measure is unnecessary and [stated](#) that Democrats are “fearmongering on this important issue to score cheap points.” Senate Democrats plan to bring up legislation (S. 4445) that would create a federal right to in vitro fertilization services for a vote this week. The bill would require employer-sponsored insurance plans to cover fertility treatments.

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Wyden Urges HHS to Strengthen Health Sector Cybersecurity

Senate Finance Committee Chairman Ron Wyden (D-Ore.) is [urging](#) the U.S. Department of Health and Human Services (HHS) to take immediate, enforceable steps to require large health care companies to improve their cybersecurity practices. Wyden argues that HHS' failure to regulate the cybersecurity practices of major health care providers like UnitedHealth Group resulted in what has been described as the worst cyberattack against the sector in U.S. history – the February cyberattack against Change Healthcare. Wyden specifically suggests that HHS: (1) require minimum, mandatory technical cybersecurity standards for systemically important entities (SIEs); (2) require SIEs to meet resiliency requirements; (3) conduct periodic cybersecurity audits of covered entities and business associates as part of the audits required by Section 13411 of the *HITECH Act*; and (4) provide technical assistance on cybersecurity to health care providers.

Democrats Press for Release of Mental Health Parity Final Rule

A group of Senate Democrats have sent a [letter](#) to the White House urging administration officials to finalize regulations aimed at improving enforcement of statutory mental health parity requirements. The lawmakers highlight evidence of how insurers are failing to meet the requirements of the Mental Health Parity and Addiction Equity Act of 2008 and how this failure has impacted the nation's ongoing mental health and substance use disorder crisis. They argue that the proposed regulations issued by the Biden administration last summer “will close existing loopholes in the law, expand narrow networks, and prohibit restrictive practices that prevent families from accessing care... These commonsense parity rules will help Americans suffering from mental health conditions or substance use disorder, reduce costs for taxpayers, and save lives.” The letter was led by Sen. Chris Murphy (D-Conn.) and signed by Sens. Peter Welch (D-Vt.), Alex Padilla (D-Calif.), Ed Markey (D-Mass.), Amy Klobuchar (D-Minn.), and Ben Ray Lujan (D-N.M.). The Treasury Department has indicated that it aims to finalize the rules sometime this month.

GAO Provides Status Update on HHS Recommendations

The Government Accountability Office (GAO) released a [letter](#) it sent to the U.S. Department of Health and Human Services (HHS) highlighting the 35 open recommendations for the department that the GAO has identified as high priority. The recommendations cover the following seven areas: public health emergency preparedness, public health and human services program oversight, Food and Drug Administration oversight, the Medicaid program, the Medicare program, improper payments in Medicaid and Medicare, and health care infrastructure, information technology, and cybersecurity. The agency highlights that since May 2023, HHS has implemented seven recommendations identified as high priority – including strengthening domestic production of medical supplies and incorporating expert feedback on COVID-19 data collection – while five recommendations have been closed due to no longer being valid.

Texas Congresswoman Announces Cancer Diagnosis

Rep. Sheila Jackson Lee (D-Texas) announced that she has been diagnosed with pancreatic cancer. The Congresswoman is currently undergoing treatment. While she expects to be occasionally absent from Congress, Jackson Lee stated that she will work with congressional leadership to be present for any critical votes in the House of Representatives.

Menendez Files to Run as Independent

Sen. Bob Menendez (N.J.) has filed to run for reelection to the Senate as an independent. Menendez is currently on trial for federal bribery charges in New York, and had announced earlier this year that he would not seek the Democratic nomination to pursue a fourth term in the Senate. Menendez clarified that his decision to run as an independent does not mean that he is changing political parties. U.S. Representative Andy Kim (D-N.J.) won the state's Democratic primary election last Tuesday.

Congressional Retirements and Resignations

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 | Johnson (R), OH (effective Jan. 21, 2024) |
| Kim, Andy (D), NJ | Ferguson, IV, DMD, PC (R), GA |
| Jackson, Jeff (D), NC | Curtis (R), UT |
| Sarbanes (D), MD | Luetkemeyer (R), MO |
| Blumenauer (D), OR | Lamborn (R), CO |
| Kilmer (D), WA | Bucshon, MD (R), IN |
| Spanberger (D), VA | Pence (R), IN |
| Kildee (D), MI | Duncan (R), SC |
| Phillips (D), MN | Armstrong (R), ND |
| Cardenas (D), CA | McMorris Rodgers (R), WA |
| Eshoo (D), CA | Gallagher (R), WI (effective April 19, 2024) |
| Manning (D), NC | LaTurner (R), KS |
| Nickel (D), NC | |
| Ruppersberger (D), MD | |
| Sablan (D), MP | |
| Kuster (D), NH | |

Upcoming Congressional Hearings and Markups

House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies markup; 6:00 p.m.; June 11

House Appropriations Committee markup of FY 2025 State, Foreign Operations, and Related Programs and Homeland Security bills; 9:00 a.m.; June 12

Senate Judiciary Committee “Combatting the Youth Vaping Epidemic by Enhancing Enforcement Against Illegal E-Cigarettes;” 10:00 a.m.; June 12

Senate Finance Committee “Youth Residential Treatment Facilities: Examining Failures and Evaluating Solutions;” 10:00 a.m.; June 12

House Veterans’ Affairs Committee “A Call to Action: Meeting the Needs of the Spinal Cord Injury and Disorders (SCI/D) Veteran Community;” 9:30 a.m.; June 13

House Budget Committee “Medicare and Social Security: Examining Solvency and Impacts to the Federal Budget;” 10:00 a.m.; June 13

House Energy and Commerce Subcommittee on Health “Checking-In on CMMI: Assessing the Transition to Value-Based Care;” 10:00 a.m.; June 13

Recently Introduced Health Legislation

S.Res.716 — A resolution expressing support for the designation of June 7, 2024, as “National Gun Violence Awareness Day” and June 2024 as “National Gun Violence Awareness Month”; Sponsor: Durbin, Richard J. [Sen.-D-IL]; Committees: Senate – Judiciary

S.4436 — A bill to improve the safety of infant formula through testing of infant formula for microorganisms and toxic elements, and for other purposes; Sponsor: Peters, Gary C. [Sen.-D-MI]; Committees: Senate - Health, Education, Labor, and Pensions

S.4437 — A bill to require the Secretary of Veterans Affairs to carry out a pilot program to coordinate, navigate, and manage care and benefits for veterans enrolled in both the Medicare program and the system of annual patient enrollment of the Department of Veterans Affairs; Sponsor: Moran, Jerry [Sen.-R-KS]; Committees: Senate - Veterans’ Affairs

S.4445 — A bill to protect and expand nationwide access to fertility treatment, including in vitro fertilization; Sponsor: Duckworth, Tammy [Sen.-D-IL]; Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.

H.Res.1270 — Supporting the designation of June, as “Brain and Spine Metastasis Awareness Month”; Sponsor: Foushee, Valerie P. [Rep.-D-NC-4]; Committees: House - Energy and Commerce

H.Res.1271 — Expressing support for the designation of June 7, 2024, as “National Gun Violence Awareness Day” and June 2024 as “National Gun Violence Awareness Month”; Sponsor: Kelly, Robin L. [Rep.-D-IL-2]; Committees: House – Judiciary

H.Res.1273 — Designating a day in May 2024, as “Disability Reproductive Equity Day”; Sponsor: Pressley, Ayanna [Rep.-D-MA-7]; Committees: House - Energy and Commerce

H.R.8599 — To amend the Internal Revenue Code of 1986 to include over-the-counter oral healthcare products as qualified medical expenses which can be purchased with HSA and FSA funds; Sponsor: Van Drew, Jefferson [Rep.-R-NJ-2]; Committees: House - Ways and Means

H.R.8601 — To amend the Public Health Service Act to provide for and support liver illness visibility, education, and research, and for other purposes; Sponsor: Velázquez, Nydia M. [Rep.-D-NY-7]; Committees: House - Energy and Commerce

S.Res.718 — A resolution expressing the sense of the Senate that the United States Government should immediately place a moratorium on all federally funded gain-of-function research given the increased safety concerns; Sponsor: Marshall, Roger [Sen.-R-KS]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.724 — A resolution designating May 2024 as “National Brain Tumor Awareness Month”; Sponsor: Daines, Steve [Sen.-R-MT]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.J.Res.91 — A joint resolution 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: Lankford, James [Sen.-R-OK]; Committees: Senate – Finance

S.4447 — A bill to allow women greater access to safe and effective oral contraceptive drugs intended for routine use, and to direct the Comptroller General of the United States to conduct a study on Federal funding of contraceptive methods; Sponsor: Ernst, Joni [Sen.-R-IA]; Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.

H.R.8614 — To authorize the National Academies of Sciences, Engineering, and Medicine to carry out a study to examine the potential relationship between increased health risks and living in proximity to sites that have been or are being mined for surface coal deposits, and the potential human health effects of surface coal mining operations in Central Appalachia, and for other purposes; Sponsor: McGarvey, Morgan [Rep.-D-KY-3]; Committees: House - Natural Resources

S.Res.725 — A resolution affirming the legal status of contraception following the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022); Sponsor: Blackburn, Marsha [Sen.-R-TN]; Committees: Senate – Judiciary

S.Res.726 — A resolution designating June 6, 2024, as National Naloxone Awareness Day; Sponsor: Scott, Rick [Sen.-R-FL]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.4469 — A bill to improve the understanding of, and promote access to treatment for, chronic kidney disease, and for other purposes; Sponsor: Cardin, Benjamin L. [Sen.-D-MD]; Committees: Senate – Finance

H.R.8633 — To amend title 10, United States Code, to direct the Secretary of Defense to limit copayments for outpatient visits for mental health or behavioral health under the TRICARE program, and for other purposes; Sponsor: Houlihan, Chrissy [Rep.-D-PA-6]; Committees: House - Armed Services