



## Health Policy Briefing

June 17, 2024

### House Passes NDAA

The House of Representatives passed its \$895 billion defense authorization bill last week in a party line vote. The chamber's latest **National Defense Authorization Act** (NDAA) passed in a 217-199 vote over Democratic opposition to partisan policy riders that would curb military members' access to abortion and gender affirming care. Such provisions are unlikely to remain in whatever final must-pass package is negotiated with the Senate's Democratic majority. The House ultimately voted on 350 amendments out of more than 1,300 proposed. A push to include the **BIOSECURE Act** (H.R. 8333), which would prohibit Chinese biotechnology companies of concern from receiving federal contracts, grants, or loans, was unsuccessful in the House Rules Committee's amendment process.

### Senate Republicans Block Vote on IVF Bill

Last week, the Senate GOP blocked consideration of legislation (S. 4445) that would have codified the right to obtain fertility treatments, including in vitro fertilization (IVF), and expanded insurance coverage of such services. The bill failed on a 48-47 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 in the chamber characterized the measure as overly broad, and countered with an open [letter](#) signed by the entire caucus expressing support for protecting access to IVF.

### FY 2025 Appropriations Update

The House Appropriations Committee approved its fiscal year (FY) 2025 State-Foreign Operations funding bill last week. The package, which represents an 11% funding cut for the State Department, U.S. Agency for International Development, and foreign aid programs, was advanced in a 31-26 vote. The bill would cut all funding to the World Health Organization and the United Nations Population Fund. It also contains a provision to prohibit groups that receive global health funding from promoting or performing abortion. Republican leadership hope to pass the spending bill on the House floor by the end of the month.

The Agriculture-Rural

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Development-Food and Drug Administration (FDA) Subcommittee advanced its FY 2025 spending bill by voice vote last week. The package includes \$25.9 billion in discretionary funding - \$355 million below FY 2024 levels – with \$6.75 billion for the FDA to be supplemented by the agency’s user fees. The bill would block the U.S. Department of Health and Human Services from rulemaking that would prohibit menthol in cigarettes or characterizing flavor in all cigars. The full committee is scheduled to consider the proposal on July 10.

Lawmakers have until September 30 to fund the federal government. House Appropriations Chairman Tom Cole (R-Okla.) has indicated that a continuing resolution will likely be necessary to keep the government open beyond the end of the fiscal year. Senate appropriators have yet to announce their top-line spending limits or a markup schedule.

## E&C Advances 13 Health Bills

On Wednesday, the House Energy and Commerce Committee advanced the following health related bills with unanimous support:

- H.R. 6020, *Honor Our Living Donors Act*
- H.R. 455, To amend the Controlled Substances Act to fix a technical error in the definitions
- H.R. 4534, *Women and Lung Cancer Research and Preventive Services Act of 2023*
- H.R. 5012, *Stillbirth Health Improvement and Education (SHINE) for Autumn Act of 2023*
- H.R. 7213, *Autism Collaboration, Accountability, Research, Education, and Support (CARES) Act of 2024*
- H.R. 8084, *LIVE Beneficiaries Act*
- H.R. 8089, *Medicare and Medicaid Fraud Prevention Act of 2024*
- H.R. 8111, To amend title XIX of the Social Security Act to ensure the reliability of address information provided under the Medicaid program
- H.R. 8112, To amend title XIX of the Social Security Act to further require certain additional provider screening under the Medicaid program
- H.R. 4758, *Accelerating Kids’ Access to Care Act*
- H.R. 5526, *Seniors’ Access to Critical Medications Act*
- H.R. 6033, *Supporting Patient Education And Knowledge (SPEAK) Act of 2023*
- H.R. 7858, *Telehealth Enhancement for Mental Health Act of 2024*

During the markup, Chair Cathy McMorris Rodgers (R-Wash.) confirmed that the panel continues to work on a fully paid for package to extend COVID-era telehealth flexibilities and include additional priorities on diabetic and cardiac care stating that she is optimistic that the Committee will be able to move a package before the August recess.

## E&C Solicits Feedback on Proposed NIH Reforms

On Friday, House Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-Wash.) released a [framework](#) for reforming the National Institutes of Health (NIH). The framework contains policy options for ensuring that NIH’s mission and leadership are accountable, integrated, and agile; funding mechanisms are clear, responsible, and reflective of congressional intent; and that grant research protects against national security risks and threats, and be independent, innovative, responsive, and transparent. Stakeholders who wish to submit feedback on the framework can do so by emailing [NIHReform@mail.house.gov](mailto:NIHReform@mail.house.gov) by August 16, 2024.

Earlier in the week, Republicans on Energy and Commerce released an interim staff [report](#) calling for changes to how the NIH approves certain kinds of research. The report is a part of the panel’s investigation into potentially risky viral research approved by the NIH that may have involved manipulation of the mpox virus. The lawmakers criticize the “deliberate, prolonged effort to deceive the Committee” as “unacceptable and potentially criminal,” and note that the NIH has yet to provide any evidence that the mpox research in question was not conducted.

## Novo Nordisk Executive Agrees to Testify Before HELP

The Senate Health, Education, Labor, and Pensions (HELP) Committee has canceled its plans to subpoena the CEO of Novo Nordisk after the company's executive vice president Doug Langa agreed to testify before the panel. Chairman Bernie Sanders (I-Vt.) had previously announced a vote on the subpoena after the company "repeatedly denied" requests to appear. Langa is now expected to testify before the committee in a September hearing as a part of Sanders' investigation into the price of Novo Nordisk's semaglutide products Ozempic and Wegovy.

## MedPAC, MACPAC Release June Reports to Congress

The Medicare Payment Advisory Commission (MedPAC) has released its June [report](#) to Congress. The report discusses approaches for updating clinician payments and incentivizing participation in alternative payment models, provider networks and prior authorization in Medicare Advantage (MA), assessing data sources for measuring health care utilization by MA enrollees, paying for software technologies in Medicare, ways to lower Medicare payments for certain conditions in inpatient rehabilitation facilities, and Medicare's Acute Hospital Care at Home. The Medicaid and CHIP Payment and Access Commission (MACPAC) also released its June [report](#) last week. The report includes four chapters highlighting: (1) recommendations for increased transparency in Medicaid and the State Children's Health Insurance Program financing, (2) tools that states can use to optimize state Medicaid agency contracts, (3) enrollment trends in Medicare Savings Programs, and (4) improvements to demographic data collection in Medicaid.

## DEA Telemedicine Regulation Under OMB Review

The Drug Enforcement Administration's (DEA) proposed regulations on the prescribing of controlled substances via telemedicine are now under review at the Office of Management and Budget (OMB). The forthcoming regulations are expected to determine the status of requirements that a patient see a doctor in-person before being prescribed certain controlled substances like Adderall, Buprenorphine, and Oxycodone. These requirements have been waived since the start of the COVID-19 pandemic. White House review of the rules is a final step prior to publication in the Federal Register and the public comment period. The DEA aims to finalize the rules by this fall, before the flexibilities are set to expire at the end of 2024.

## Congressional Retirements and Resignations

Rep. Garret Graves (R-La.) has announced that he will not run for reelection this November. Graves has served in the House of Representatives since 2015. He currently chairs the House Transportation and Infrastructure Subcommittee on Aviation and is a member of the House Natural Resources Committee.

Ohio state senator Michael Rulli won the special election last week to fill the remainder of Rep. Bill Johnson's (R) term in the House of Representatives. Rulli is also the party's nominee for the November election to serve a full-term in the chamber. Once Rulli is sworn in, the GOP will hold a 219-213 majority.

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	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	Graves (R), LA
Ruppersberger (D), MD	
Sablan (D), MP	
Kuster (D), NH	

## Upcoming Congressional Hearings and Markups

Senate Homeland Security and Governmental Affairs Committee hearing “Origins of COVID-19: An Examination of Available Evidence;” 10:00 a.m.; June 18

House Veterans’ Affairs Subcommittee on Health hearing “The Continuity of Care: Assessing the Structure of VA’s Healthcare Network;” 2:15 p.m.; June 26

## Recently Introduced Health Legislation

H.Res.1283 — Supporting the designation of June 6, 2024, as National Naloxone Awareness Day; Sponsor: McClain, Lisa C. [Rep.-R-MI-9]; Committees: House - Energy and Commerce

H.Res.1285 — Condemning the pro-abortion policies of the Biden administration; Sponsor: Moran, Nathaniel [Rep.-R-TX-1]; Committees: House - Energy and Commerce

H.R.8657 — To require the Secretary of Commerce to produce a report that provides recommendations to improve the effectiveness, efficiency, and impact of Department of Commerce programs related to supply chain resilience and manufacturing and industrial innovation, and for other purposes; Sponsor: Higgins, Clay [Rep.-R-LA-3]; Committees: House - Energy and Commerce

H.R.8659 — 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: Hinson, Ashley [Rep.-R-IA-2]; Committees: House - Energy and Commerce; Ways and Means; Natural Resources; Armed Services

H.R.8667 — To rename the community-based outpatient clinic of the Department of Veterans Affairs in Cadillac, Michigan, as the “Duane E. Dewey VA Clinic”; Sponsor: Moolenaar, John R. [Rep.-R-MI-2]; Committees: House - Veterans’ Affairs

H.R.8669 — To direct the Secretary of Labor to issue nonmandatory guidance on reducing the threat of violence in the workplace, and for other purposes; Sponsor: Neguse, Joe [Rep.-D-CO-2]; Committees: House - Education and the Workforce

S.4503 — A bill to prevent exploitative private equity practices, and for other purposes; Sponsor: Warren, Elizabeth [Sen.-D-MA]; Committees: Senate – Finance

S.4504 — A bill to amend the Public Health Service Act to provide for a public awareness campaign with respect to screening for type 1 diabetes, and for other purposes; Sponsor: Shaheen, Jeanne [Sen.-D-NH]; Committees: Senate - Health, Education, Labor, and Pensions

S.4510 — A bill to amend the American Taxpayer Relief Act of 2012 to delay implementation of the inclusion of oral-only ESRD-related drugs in the Medicare ESRD prospective payment system; Sponsor: Blackburn, Marsha [Sen.-R-TN]; Committees: Senate – Finance

H.Res.1286 — 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: Kean, Thomas H. [Rep.-R-NJ-7]; Committees: House - Foreign Affairs

H.Res.1289 — Recognizing the contributions of academic medicine and observing Academic Medicine Week from June 10 through 14, 2024; Sponsor: Castor, Kathy [Rep.-D-FL-14]; Committees: House - Energy and Commerce

H.R.8680 — To authorize the Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, to award grants to train community mental wellness workers; Sponsor: Espaillat, Adriano [Rep.-D-NY-13]; Committees: House - Energy and Commerce

H.R.8681 — To ensure that hospitals are considered an eligible entity when awarding health profession opportunity grants under section 2008 of the Social Security Act; Sponsor: Horsford, Steven [Rep.-D-NV-4]; Committees: House - Ways and Means

H.R.8697 — To direct the Secretary of Health and Human Services to conduct a demonstration project to test the impact of a guaranteed monthly income on the health of individuals enrolled for medical assistance under the Medicaid program; Sponsor: Schiff, Adam B. [Rep.-D-CA-30]; Committees: House - Ways and Means

H.R.8698 — To amend the Public Health Service Act to provide for a public awareness campaign with respect to screening for type 1 diabetes, and for other purposes; Sponsor: Schrier, Kim [Rep.-D-WA-8]; Committees: House - Energy and Commerce

S.4518 — A bill to amend title XVIII of the Social Security Act to establish requirements with respect to the use of prior authorization under Medicare Advantage plans; Sponsor: Marshall, Roger [Sen.-R-KS]; Committees: Senate - Finance

S.4522 — A bill to require the Secretary of Health and Human Services to carry out a public awareness campaign to increase awareness of the importance of father inclusion and engagement in improving overall health outcomes during pregnancy, childbirth, and postpartum, and for other purposes; Sponsor: Warnock, Raphael G. [Sen.-D-GA]; Committees: Senate - Health, Education, Labor, and Pensions

S.4524 — A bill to amend the Public Health Service Act to prohibit discrimination against health care entities that do not participate in abortion, and to strengthen implementation and enforcement of Federal conscience laws; Sponsor: Lankford, James [Sen.-R-OK]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.8702 — To amend title XVIII of the Social Security Act to establish requirements with respect to the use of prior authorization under Medicare Advantage plans; Sponsor: Kelly, Mike [Rep.-R-PA-16]; Committees: House - Ways and Means; Energy and Commerce

H.R.8703 — To amend the Public Health Service Act to ensure the primary recipient of a grant has access to all information related to the research funded by such grant, and for other purposes; Sponsor: Carter, Earl L. “Buddy” [Rep.-R-GA-1]; Committees: House - Energy and Commerce

H.R.8711 — To amend title II of the Public Health Service Act to include as an additional right or privilege of commissioned officers of the Public Health Service (and their beneficiaries) certain leave provided under title 10, United States Code to commissioned officers of the Army (or their beneficiaries); Sponsor: Houlihan, Chrissy [Rep.-D-PA-6]; Committees: House - Energy and Commerce

H.R.8715 — To direct the Secretary of Health and Human Services to establish a pilot program under which the Secretary enters into public-private partnerships with eligible entities to distribute to mothers of newborn infants newborn supply kits, and for other purposes; Sponsor: Letlow, Julia [Rep.-R-LA-5]; Committees: House - Energy and Commerce

S.Res.734 — A resolution recognizing 30 years since the International Conference on Population and Development in Cairo, Egypt, and reaffirming the goals and ideals of the International Conference on Population and Development Programme of Action, including comprehensive sexual and reproductive health and rights; Sponsor: Shaheen, Jeanne [Sen.-D-NH]; Committees: Senate - Foreign Relations



S.Res.735 — A resolution designating July 17, 2024, as “Glioblastoma Awareness Day”; Sponsor: Graham, Lindsey [Sen.-R-SC]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.4532 —A bill to amend title XVIII of the Social Security Act to establish requirements with respect to the use of prior authorization under Medicare Advantage plans; Sponsor: Marshall, Roger [Sen.-R-KS]; Committees: Senate – Finance

S.4533 —A bill to expand and promote research and data collection on reproductive health conditions, to provide training opportunities for medical professionals to learn how to diagnose and treat reproductive health conditions, and for other purposes; Sponsor: Hyde-Smith, Cindy [Sen.-R-MS]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.1299 — Reaffirming the goals and ideals of the 1994 International Conference on Population and Development Programme of Action in Cairo, Egypt, including comprehensive sexual and reproductive health and rights; Sponsor: Lee, Barbara [Rep.-D-CA-12]; Committees: House - Foreign Affairs

H.R.8725 — Increasing Medication Access for Seniors Act – To require the Secretary of Health and Human Services to submit to Congress a report on the option to elect to pay cost-sharing under a prescription drug plan or MA-PD plan in monthly capped amounts; Sponsor: Caraveo, Yadira [Rep.-D-CO-8]; Committees: House - Energy and Commerce; Ways and Means

H.R.8736 — To require the President to notify Congress of each instance the President takes certain drugs relating to cognitive function, and for other purposes; Sponsor: Ogles, Andrew [Rep.-R-TN-5]; Committees: House - Oversight and Accountability

H.R.8738 —To amend the Internal Revenue Code of 1986 to provide a credit against tax for certain health professionals providing clinical supervision to students in rural health professional shortage areas; Sponsor: Pettersen, Brittany [Rep.-D-CO-7]; Committees: House - Ways and Means