



Health Policy Briefing

July 22, 2024

President Biden Announces He Will Not Seek Second Term

As Democratic calls grew louder to exit the race, President Joe Biden (D) announced that he has “decided not to accept the nomination and to focus all my energies on my duties as President for the remainder of my term.” He also announced his endorsement of Vice President Kamala Harris as the Democratic nominee for 2024. President Biden intends to address the nation later this week. With the Democratic National Convention beginning on August 19 in Chicago, IL, time is running short to choose a new nominee and the complicated process of doing so will need to be resolved by the Democratic delegates at the convention. While some elected Democrats are endorsing Vice-President Harris as the next nominee, with over 14 million Americans already having cast votes in favor of President Biden, the party’s convention rules and procedural processes – and their implications for the democratic process – are under close scrutiny. If Harris were to be automatically selected as the candidate, some may question the democratic process. Given the reasons for President Biden ending his campaign for re-election, Republicans are already asking if he is able to continue to serve for the remainder of his term.

Trump Selects Ohio Senator JD Vance as Running Mate

Republican presidential candidate Donald Trump tapped Sen. JD Vance (R-Ohio) as his running mate last week. Vance is a former venture capitalist who was first elected to the Senate in 2022. While Vance does not currently serve on any committees with health care jurisdiction, his legislative record on health issues includes introducing legislation to prohibit minors from receiving access to gender-affirming medical care (S. 2357), as well as to add childbirth as a protected reason for not returning to work under the *Family and Medical Leave Act* (S. 3048). He is a cosponsor of the *Affordable Insulin Now Act* (S. 954) to cap commercial insulin costs at \$35, as well as legislation to exclude Deferred Action for Childhood Arrivals (DACA) recipients from accessing health insurance under the *Affordable Care Act*. Vance is also on the record in support of allowing Medicare to negotiate prescription drug prices, and has previously called for allowing the importation of drugs from overseas. Vance is staunchly pro-life and supports a nationwide abortion ban at 15 weeks, with exceptions, while also agreeing with the Supreme Court’s

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decision to not restrict access to the abortion pill mifepristone.

Health care-related issues were largely absent from last week's Republican National Convention in Milwaukee, WI. During his speech on Thursday night, former President Trump highlighted the success of the 2018 Right to Try law in saving lives by expanding access to experimental treatments for terminally ill individuals. The GOP's 2024 [platform](#) that was ratified last week only touches briefly on the issue of health care, simply stating "Health care and prescription drug costs are out of control. Republicans will increase transparency, promote choice and competition, and expand access to new affordable health care and prescription drug options. We will protect Medicare, and ensure seniors receive the care they need without being burdened by excessive costs."

HELP Schedules Vote to Subpoena CEO in Steward Health Care Investigation

Bipartisan leadership of the Senate Health, Education, Labor, and Pensions (HELP) Committee is launching an investigation into the bankruptcy of Steward Health Care. Steward is a Dallas-based hospital chain that operates 31 hospitals in eight states. Steward first acquired a failing hospital system run by the Archdiocese of Boston in 2010, and with the backing of private equity firm Cerberus Capital Management converted it into for-profit institutions before buying additional hospitals across the country. Steward filed for Chapter 11 bankruptcy protection earlier this year and is now seeking to sell all of its hospitals. The HELP Committee will vote on Thursday to issue a subpoena that would compel Steward CEO Ralph de la Torre to testify at a hearing before the panel on September 12. "Given the serious harm and uncertainty Steward's bankruptcy and financial arrangements are having on hospitals, patients, and health care workers throughout the country, Dr. de la Torre has given us no choice but to compel him to testify at this hearing," Chairman Bernie Sanders (I-Vt.) and Ranking Member Bill Cassidy (R-La.) said in a joint statement.

Senators Form Working Group to Assess Post-Chevron Legislative Landscape

A group of senators led by Sen. Eric Schmitt (R-Mo.) has launched a working group to assess the current policy landscape and discuss how the Senate can most effectively legislate following the Supreme Court's decision to overturn the *Chevron* deference. The group plans to send letters to 101 federal agencies – including the U.S. Department of Health and Human Services (HHS) and the Food and Drug Administration – regarding more than 50 regulations that have been finalized since the year 2000. The working group will ask regulators for information about how ongoing rulemaking and civil enforcement actions and adjudications are affected by the recent Supreme Court decision.

Cassidy Pushes for Briefing on Proposed Marijuana Rescheduling

Senate HELP Committee Ranking Member Bill Cassidy (R-La.) has sent a [letter](#) to the Biden administration regarding its proposal to reschedule marijuana. Cassidy is requesting a briefing from White House officials by August 1 about its proposal to change marijuana from a Schedule I substance to a Schedule III substance. He states that HHS has "outright refused" to brief the Committee on the issue, while the Department of Justice has been nonresponsive to requests for a briefing. "Your agencies' avoidance of the HELP Committee's attempt to carry out its oversight responsibilities over a matter of critical importance to public health and safety is troubling," Cassidy writes. "Refusing to engage with Congress on the merits of this policy furthers the perception that this change is driven by election-year politics, rather than the scientific evidence."

Texas Congresswoman Jackson Lee Dies After Pancreatic Cancer Battle

Rep. Sheila Jackson Lee (D-Texas) passed away last week at the age of 74. Jackson Lee announced in June that she had been diagnosed with pancreatic cancer. She was first elected to represent Texas' 18th Congressional District in 1994 and was a member of the Judiciary, Homeland Security, and Budget committees. At the time of her death Jackson Lee was also serving as a Democratic chief deputy whip. During her time in Congress Jackson Lee was a champion of civil rights, successfully working to reauthorize the *Violence Against Women Act* and establish Juneteenth as a federal holiday.

Menendez Found Guilty in Federal Corruption Trial

Sen. Bob Menendez (D-N.J.) was found guilty of corruption charges following a two-month trial on Tuesday. The judge has set a sentencing date for October 29. Menendez has faced calls to resign from his Senate colleagues following the conviction. "In light of this guilty verdict, Senator Menendez must now do what is right for his constituents, the Senate, and our country, and resign," Senate Majority Leader Chuck Schumer (D-N.Y.) stated. New Jersey Gov. Phil Murphy (D) called on the Senate to vote to expel Menendez should he choose not to resign. Menendez has said he will appeal his conviction. If Menendez leaves office or is expelled, Gov. Murphy would name a replacement to serve until the end of the senator's current term on January 3. Rep. Andy Kim (D) is heavily favored to win the full six-year term in the November election, in which Menendez has filed to run as an independent.

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

Upcoming Congressional Hearings and Markups

House Rules Committee meeting to consider the rule for H.R. 9027, the *Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2025*; 4:00 p.m.; July 22

House Veterans' Affairs Subcommittee on Technology Modernization hearing "Report Card: Assessing Electronic Health Record Modernization at the Captain James A. Lovell Federal Health Care Center;" 4:30 p.m.; July 22

House Oversight and Accountability Committee hearing "The Role of Pharmacy Benefit Managers in Prescription Drug Markets Part III: Transparency and Accountability;" 10:00 a.m.; July 23

House Energy and Commerce Subcommittee on Health hearing "Are CDC's Priorities Restoring Public Trust and Improving the Health of the American People?" 10:30 a.m.; July 23

House Oversight and Accountability Subcommittee on Cybersecurity, Information Technology, and Government Innovation hearing "Enhancing Cybersecurity by Eliminating Inconsistent Regulations;" 9:00 a.m.; July 25

Senate HELP Committee executive session to authorize an investigation into the bankruptcy of Steward Health Care and a subpoena of Dr. Ralph de la Torre, Chairman and Chief Executive Officer, Steward Health Care Systems LLC; 10:00 a.m.; July 25

House Veterans' Affairs Subcommittee on Health hearing "Life After Limb Loss: Examining VA Amputee Prosthetics Care;" 1:30 p.m.; July 30

Senate HELP Committee hearing "Why Is Novo Nordisk Charging Americans with Diabetes and Obesity Outrageously High Prices for Ozempic and Wegovy?" 10:00 a.m.; September 24

Recently Introduced Health Legislation

H.R.9039 — To require the Interagency Working Group on Toxic Exposure to conduct research on the diagnosis and treatment of health conditions of descendants of individuals exposed to toxic substances while serving as members of the Armed Forces, and for other purposes; Sponsor: Dingell, Debbie [Rep.-D-MI-6]; Committees: House - Veterans' Affairs

H.R.9049 — To amend title XIX of the Social Security Act to provide States with the option to provide coordinated care through a pregnancy medical home for high-risk pregnant women, and for other purposes; Sponsor: Nunn, Zachary [Rep.-R-IA-3]; Committees: House - Energy and Commerce

H.R.9050 — To amend title 38, United States Code, to establish a grant program for the transportation of veterans who reside in highly rural areas to medical facilities; Sponsor: Peltola, Mary Sattler [Rep.-D-AK-At Large]; Committees: House - Veterans' Affairs

H.R.9052 — To extend the authority for the joint Department of Defense-Department of Veterans Affairs medical facility demonstration fund; Sponsor: Schneider, Bradley Scott [Rep.-D-IL-10]; Committees: House - Armed Services; Veterans' Affairs

H.R.9067 — To amend titles XVIII and XIX of the Social Security Act to establish a waiver of certain training and certification requirements for specified skilled nursing facilities and nursing facilities; Sponsor: Guthrie, Brett [Rep.-R-KY-2]; Committees: House - Ways and Means; Energy and Commerce

H.R.9070 — To amend title 35, United States Code, to prohibit product hopping, and for other purposes; Sponsor: Issa, Darrell [Rep.-R-CA-48]; Committees: House - Judiciary; Ways and Means; Energy and Commerce