



## Health Policy Briefing

September 16, 2024

### House Speaker Pulls Proposed CR Amidst GOP Opposition

The House of Representatives cancelled a planned vote on a six-month continuing resolution (CR) last week due to internal disagreements amongst the Republican conference. House Speaker Mike Johnson (R-La.) stated that lawmakers would be working through the weekend to negotiate a stopgap spending bill that keeps the government open beyond the end of the fiscal year (FY) on September 30. The proposal released by House GOP leadership would have extended funding at FY 2024 levels through March 28, 2025. The CR also included the *Safeguard American Voter Eligibility (SAVE) Act* (H.R.8281) requiring voters to show documentation of U.S. citizenship. Some GOP House members expressed opposition to continuing current funding levels, while others argued that the spending package should only last into December. Democrats are united in support of a clean, short-term CR that extends into the post-election lame duck session, and Senate Majority Leader Chuck Schumer (D-N.Y.) has said that his chamber will seek to pass a short-term spending patch free from any “poison pill” policy riders like the *SAVE Act*. Lawmakers have nine days in session before they are scheduled to return to the campaign trail for all of October.

### House Passes BIOSECURE Bill

The House of Representatives passed the *BIOSECURE Act* (H.R.8333) under suspension of the rules last week as a part of the chamber’s series of votes on 28 bills related to China. H.R. 8333 would prohibit Chinese biotechnology companies of concern, or companies that use equipment or services from 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 bill was passed in a 306-81 vote, with 79 Democrats and two Republicans voting against the measure. BIOSECURE was opposed by House Democratic Leader Hakeem Jefferies (D-N.Y.) and House Rules Committee Ranking Member Jim McGovern (D-Mass.), who expressed concerns that the bill singled out certain companies without due process. The legislation would initially impact BGI Group, MGI, Complete Genomics, WuXi AppTec, and WuXi Biologics. The House also passed legislation requiring Senate approval of global pandemic agreements. The *No WHO Pandemic Preparedness Treaty Without Senate Approval Act* (H.R.1425) passed 219-199 in a largely party-line vote.

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## Education & Workforce Panel Advances Three Health Bills

The House Education and Workforce Committee marked up three health care related bills last week. The **Healthy Competition for Better Care Act** (H.R. 3120) would permit more flexible contracting arrangements between health plans and providers, allowing insurers to enter into agreements with physicians and hospitals without having to contract with all the affiliated facilities across a health system. H.R. 3120 was advanced by voice vote. The **Transparent Telehealth Bills Act** (H.R. 9457) would ban hospitals from charging facility fees for care provided virtually. The bill was advanced in a 34-0 vote. The committee also advanced a resolution (H.J. Res. 181) to reinstate a Trump-era insurance standard that was recently rescinded by the Biden administration. The policy expands access to association health plans, which are not required to adhere to certain Affordable Care Act coverage requirements and consumer protections. It was advanced in a 23-12 party-line vote.

## House Panel Passes AI-Related Legislation

The House Committee on Science, Space, and Technology advanced nine bills last week to support the advancement of artificial intelligence (AI). Included in the markup was the **Nucleic Acid Screening for Biosecurity Act** (H.R. 9194), which would authorize consortium activities at the National Institute of Standards and Technology to support the development and improvement of best practices and technical standards for biosecurity measures related to nucleic acid synthesis. The bill was favorably reported by voice vote.

## HELP Schedules Vote to Hold Steward CEO In Contempt

Sen. Ed. Markey (D-Mass.) released a [report](#) last week on Steward Health Care, **How Corporate Greed Hurt Patients, Health Workers, and Communities**. Markey highlights patient and worker experiences, hospital quality data, and information on hospital closures in Massachusetts and around the country, citing Steward as “a case study of the extent of harm that corporate greed can have on health care access, quality, and safety.” According to the report, patients in Steward-owned hospitals experienced longer wait times in emergency departments and often worse outcomes compared to national averages. Markey has argued that the report “makes the case for why we need permanent guardrails against corporate greed in health care.”

Markey’s report was released the day prior to the Senate Health, Education, Labor, and Pensions (HELP) Committee’s hearing on the bankruptcy of Steward Health Care and the subsequent impact on patient care. Steward CEO Dr. Ralph de la Torre defied the panel’s subpoena to testify. It was the first subpoena issued by the panel since 1981. Committee leadership has now scheduled two votes for September 19: one for civil enforcement of the subpoena, and another for criminal contempt. If approved, the resolutions would be voted on by the full Senate. Depending on the outcome of the votes, the case could be referred to the U.S. Attorney for the District of Columbia, who could prosecute de la Torre for failure to comply with the subpoena.

## E&C GOP Write CMS on Part D Stabilization Program

House Energy and Commerce Committee Republicans have sent a [letter](#) to the Centers for Medicare and Medicaid Services (CMS) outlining their concerns with the Medicare Part D premium stabilization demonstration program. The demonstration aims to address Medicare prescription drug plan premium growth over the next three years. The lawmakers argue that the demonstration could impact the viability of Medicare Part D in the long run, citing CMS’ estimate that the program will cost \$5 billion in 2025, and “possibly much more in subsequent years.” The letter poses a series of questions for the agency and requests a response from CMS by October 4.

## Cassidy Raises Concerns Regarding Implementation of Organ Donation System Reforms

Senate Health, Education, Labor, and Pensions Committee Ranking Member Bill Cassidy (R-La.) sent a [letter](#) to the Health Resources and Services Administration (HRSA) last week urging the agency to more quickly implement reforms to the nation's organ transplant system that were mandated last year in the Securing the U.S. Organ Procurement and Transplantation Network Act. Amongst other questions, Cassidy asks HRSA to provide details about when it plans to hold a special election for new Organ Procurement and Transplantation Network (OPTN) board members, and about how the OPTN will ensure future both future and current board members do not have any conflicts of interest. Cassidy requests a response from HRSA by September 24. Cassidy's inquiry was sent the same day as a House Energy and Commerce Subcommittee on Oversight and Investigations [hearing](#) on current efforts to improve the U.S. organ transplant system.

## 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	
Menendez (D), NJ (effective Aug. 20, 2024)	
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	Ferguson, IV, DMD, PC (R), GA
Wexton (D), VA	Curtis (R), UT
Kim, Andy (D), NJ	Luetkemeyer (R), MO
Jackson, Jeff (D), NC	Lamborn (R), CO
Sarbanes (D), MD	Bucshon, MD (R), IN
Blumenauer (D), OR	Pence (R), IN
Kilmer (D), WA	Duncan (R), SC
Spanberger (D), VA	Armstrong (R), ND
Kildee (D), MI	McMorris Rodgers (R), WA
Phillips (D), MN	Gallagher (R), WI (effective April 19, 2024)
Cardenas (D), CA	Rosendale (R), MT
Eshoo (D), CA	Carl (R), AL
Manning (D), NC	LaTurner (R), KS
Nickel (D), NC	Posey (R), FL
Sablan (D), MP	González-Colón (R), PR
Ruppersberger (D), MD	Graves (R), LA
Kuster (D), NH	Good (R), VA
Bowman (D), NY	
Bush (D), MO	
Payne (D), NJ (died April 24, 2024)	
Jackson Lee (D), TX (died July 19, 2024)	
Pascrell (D), NJ (died Aug. 21, 2024)	

## Upcoming Congressional Hearings and Markups

Senate Finance Committee hearing “Lower Health Care Costs for Americans: Understanding the Benefits of the Inflation Reduction Act;” 10:00 a.m.; September 17

Senate Judiciary Subcommittee on Privacy, Technology, and the Law hearing “Oversight of AI: Insiders’ Perspectives;” 2:00 p.m.; September 17

Senate Homeland Security and Governmental Affairs Committee continuation of July 24 and July 31 markup of pending legislation including S. 4667, *Risky Research Review Act*; S. 4697, *Healthcare Cybersecurity Act*; and S. 4651, *Securing America’s Federal Equipment (SAFE) in Supply Chains Act*; 10:00 a.m.; September 18

House Ways and Means Subcommittee on Health hearing “Investing in a Healthier America: Chronic Disease Prevention and Treatment;” 2:00 p.m.; September 18

House Veterans’ Affairs Subcommittee on Health markup of pending legislation; 2:30 p.m.; September 18

House Veterans’ Affairs Subcommittee on Health hearing “Dial 988 +1: Examining the Operations of the Veterans Crisis Line;” 2:45 p.m.; September 18

Senate HELP Committee executive session regarding the refusal of Dr. Ralph de la Torre to appear and testify before the Committee; 10:00 a.m.; September 19

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.9457 — To amend the Employee Retirement Income Security Act of 1974 to prohibit increased payments under a group health plan or group health insurance coverage for telehealth services furnished by a provider located at a facility; Sponsor: Bean, Aaron [Rep.-R-FL-4]; Committees: House - Education and the Workforce; Energy and Commerce

H.R.9463 — To amend title 38, United States Code, to require that non-citizen appointees to positions in the Veterans Health Administration are subjected to background investigations prior to employment; Sponsor: Wenstrup, Brad R. [Rep.-R-OH-2]; Committees: House - Veterans’ Affairs

H.R.9466 — To direct the National Institute of Standards and Technology to catalog and evaluate emerging practices and norms for communicating certain characteristics of artificial intelligence systems, including relating to transparency, robustness, resilience, security, safety, and usability, and for other purposes; Sponsor: Baird, James R. [Rep.-R-IN-4]; Committees: House - Science, Space, and Technology

H.R.9475 — To authorize the Director of the National Science Foundation to identify grand challenges and award competitive prizes for artificial intelligence research and development; Sponsor: Lieu, Ted [Rep.-D-CA-36]; Committees: House - Science, Space, and Technology

H.R.9478 — To amend title 38, United States Code, to include adaptive prostheses and terminal devices for sports and other recreational activities in the medical services furnished to eligible veterans by the Secretary of Veterans Affairs; Sponsor: Miller-Meeks, Mariannette [Rep.-R-IA-1]; Committees: House - Veterans’ Affairs

H.R.9479 — To amend the Internal Revenue Code of 1986 to establish a refundable credit for expenses incurred for in vitro fertilization; Sponsor: Miller-Meeks, Mariannette [Rep.-R-IA-1]; Committees: House - Ways and Means

H.R.9484 — To amend title 38, United States Code, to make certain improvements relating to the eligibility of veterans to receive reimbursement for emergency treatment furnished through the Veterans Community Care program, and for other purposes; Sponsor: McMorris Rodgers, Cathy [Rep.-R-WA-5]; Committees: House - Veterans' Affairs

H.R.9485 — To amend title 38, United States Code, to permit the voluntary transmission of patient contact information to certain religious or faith-based organizations by chaplains employed by the Department of Veterans Affairs, and for other purposes; Sponsor: Self, Keith [Rep.-R-TX-3]; Committees: House - Veterans' Affairs

H.R.9493 — To name the Department of Veterans Affairs community-based outpatient clinic in Las Cruces, New Mexico, the "Las Cruces Bataan Memorial Clinic"; Sponsor: Vasquez, Gabe [Rep.-D-NM-2]; Committees: House - Veterans' Affairs

H.Res.1428 — Supporting the designation of the week of September 15, 2024, through September 21, 2024, as "Telehealth Awareness Week"; Sponsor: Carter, Earl L. "Buddy" [Rep.-R-GA-1]; Committees: House - Energy and Commerce

H.R.9494 — Sponsor: Higgins, Clay [Rep.-R-LA-3]; Committees: House - Appropriations; Budget

H.R.9496 — To amend title 38, United States Code, to include a representative of the National Association of State Veterans Homes on the Geriatrics and Gerontology Advisory Committee of the Department of Veterans Affairs; Sponsor: Chavez-DeRemer, Lori [Rep.-R-OR-5]; Committees: House - Veterans' Affairs

H.R.9497 — To amend the National Artificial Intelligence Initiative Act of 2020 to establish a center on artificial intelligence to ensure continued United States leadership in research, development, and evaluation of the robustness, resilience, and safety of artificial intelligence systems, and for other purposes; Sponsor: Obernolte, Jay [Rep.-R-CA-23]; Committees: House - Science, Space, and Technology

H.R.9508 — To amend the Internal Revenue Code of 1986 to allow certain veterinary expenses for pets and service animals to be treated as amounts paid for medical care for purposes of a health savings account or flexible savings account; Sponsor: Tenney, Claudia [Rep.-R-NY-24]; Committees: House - Ways and Means

H.Res.1432 — Expressing support for the designation of September 10, 2024, as "National Firearm Suicide Prevention Day" to educate about the growing firearm suicide crisis in the United States and promote the importance of storing firearms safely and securely as an essential component of suicide prevention; Sponsor: Brownley, Julia [Rep.-D-CA-26]; Committees: House - Energy and Commerce

H.Res.1436 — Recognizing suicide as a serious public health problem and expressing support for the designation of September as "National Suicide Prevention Month" as well as September 10, 2024, as "World Suicide Prevention Day"; Sponsor: Thanedar, Shri [Rep.-D-MI-13]; Committees: House - Energy and Commerce

H.R.9520 — To require the National Cyber Director to submit to Congress a plan to establish an institute within the Federal Government to serve as a centralized resource and training center for Federal cyber workforce development; Sponsor: Fallon, Pat [Rep.-R-TX-4]; Committees: House - Oversight and Accountability

H.R.9529 — To provide funding for skilled nursing facility and nursing facility survey and certification activities under the Medicare and Medicaid programs; Sponsor: Ruiz, Raul [Rep.-D-CA-25]; Committees: House - Appropriations

S.Res.809 — A resolution supporting the designation of September 13, 2024, as "National Sepsis Day"; Sponsor: Schumer, Charles E. [Sen.-D-NY]; Committees: Senate - Health, Education, Labor, and Pensions

S.5018 — A bill to amend title XVIII of the Social Security Act to clarify and preserve the breadth of the protections under the Medicare Secondary Payer Act; Sponsor: Cassidy, Bill [Sen.-R-LA]; Committees: Senate - Finance



S.5021 — A bill to ensure the accessibility of drugs furnished through the drug discount program under section 340B of the Public Health Service Act; Sponsor: Welch, Peter [Sen.-D-VT]; Committees: Senate - Health, Education, Labor, and Pensions

S.5023 — A bill to amend the Older Americans Act of 1965 to improve falls prevention research and activities, and for other purposes; Sponsor: King, Angus S., Jr. [Sen.-I-ME]; Committees: Senate - Health, Education, Labor, and Pensions

S.5025 — A bill to amend the Federal Fire Prevention and Control Act of 1974 to make available under the assistance to firefighters grant program the establishment of cancer prevention programs, and for other purposes; Sponsor: Helmy, George S. [Sen.-D-NJ]; Committees: Senate - Homeland Security and Governmental Affairs

S.5026 — A bill to establish programs to reduce rates of sepsis; Sponsor: Schumer, Charles E. [Sen.-D-NY]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.9540 — To amend the Controlled Substances Act to require regulated persons to identify tableting machines and encapsulating machines by serial number; Sponsor: Hageman, Harriet M. [Rep.-R-WY-At Large]; Committees: House - Energy and Commerce; Judiciary

S.Res.812 — A resolution supporting the designation of September 20, 2024, as “National Concussion Awareness Day”; Sponsor: Hassan, Margaret Wood [Sen.-D-NH]; Committees: Senate - Health, Education, Labor, and Pensions

S.5029 — A bill to amend title XI of the Social Security Act to establish a research and development-intensive small biotech manufacturer exception from the Medicare drug price negotiation program; Sponsor: Cassidy, Bill [Sen.-R-LA]; Committees: Senate - Finance

S.5035 — A bill to amend title 38, United States Code, to establish an external provider scheduling program to assist the Department of Veterans Affairs in scheduling appointments for care and services under the Veterans Community Care Program, and for other purposes; Sponsor: Moran, Jerry [Sen.-R-KS]; Committees: Senate - Veterans' Affairs

S.5040 — A bill to provide for the regulation of certain communications regarding prescription drugs; Sponsor: Durbin, Richard J. [Sen.-D-IL]; Committees: Senate - Health, Education, Labor, and Pensions

S.5044 — A bill to authorize grants to implement school-community partnerships for preventing substance use and misuse among youth; Sponsor: Shaheen, Jeanne [Sen.-D-NH]; Committees: Senate - Judiciary

S.5046 — A bill to require the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to publish a final rule relating to nonclinical testing methods; Sponsor: Booker, Cory A. [Sen.-D-NJ]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.1444 — Acknowledging and thanking America's birth centers for their high quality and high value model of health care, and expressing support for the recognition of the week of September 14 through 20, 2024, as “National Birth Center Week”; Sponsor: Kim, Young [Rep.-R-CA-40]; Committees: House - Energy and Commerce

H.Res.1446 — Denouncing the human trafficking and forced labor of and profiteering from Cuban medical personnel serving in third-world countries; Sponsor: Green, Mark E. [Rep.-R-TN-7]; Committees: House - Foreign Affairs; Judiciary

H.Res.1448 — Expressing the sense of the House of Representatives that every person has the basic right to emergency health care, including abortion care; Sponsor: Sykes, Emilia Strong [Rep.-D-OH-13]; Committees: House - Energy and Commerce

H.R.9550 — To amend the Child Nutrition Act of 1966 to require the provision of training and information to certain

personnel relating to food allergy identification and response, and for other purposes; Sponsor: DeSaulnier, Mark [Rep.-D-CA-10]; Committees: House - Education and the Workforce

H.R.9572 — To amend title XXVII of the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to increase penalties for group health plans and health insurance issuers for practices that violate balance billing requirements, and for other purposes; Sponsor: Murphy, Gregory F. [Rep.-R-NC-3]; Committees: House - Energy and Commerce; Ways and Means; Education and the Workforce

H.R.9577 — To amend the Public Health Service Act to establish a grant program to support models for providing stabilization services to individuals with serious thoughts of suicide, and for other purposes; Sponsor: Raskin, Jamie [Rep.-D-MD-8]; Committees: House - Energy and Commerce

H.R.9581 — To amend the Public Health Service Act to establish the Substance Use Disorder Treatment and Behavioral and Mental Health Workforce Scholarship Program, and for other purposes; Sponsor: Salinas, Andrea [Rep.-D-OR-6]; Committees: House - Energy and Commerce; Ways and Means

H.R.9586 — To prohibit Federal funds from being used to provide certain gender transition procedures to individuals in the custody of the Department of Homeland Security and the Department of Health and Human Services; Sponsor: Steube, W. Gregory [Rep.-R-FL-17]; Committees: House - Energy and Commerce; Judiciary