

Government Funding Update



Health Policy Briefing

September 23, 2024

On Sunday, House Speaker Mike Johnson (R-La.) released a new continuing resolution (CR) to fund the government through December 20. The House is expected to vote on the CR mid-week followed by the Senate. This effort follows last week's failed attempt to pass Speaker Johnson's stopgap spending bill which would have funded the federal government through March 28, 2025, and included a provision to require voters to show proof of citizenship (H.R. 8281). The bill failed on the House floor in a 202-220 vote, with 14 Republicans voting in opposition and two Republicans voting present. Democrats Don Davis (N.C.), Jared Golden (Maine), and Marie Gluesenkamp Perez (Wash.) voted in support of the legislation. Lawmakers have until the end of the fiscal year on September 30 to pass government funding legislation and avoid a federal government shutdown. The House Rules Committee is scheduled to meet on Monday afternoon to consider the [Continuing Appropriations And Extensions Act, 2025](#) which also extends certain health and veterans funding that would otherwise expire on September 30. Senate Majority Leader Chuck Schumer (D-N.Y.) has taken steps to prepare a legislative vehicle for the Senate to lead on advancing a clean CR should the House fail to do so.

In the event of a shutdown, the U.S. Department of Health and Human Services' 2024 [contingency plan](#) would furlough 45% of the Department's staff. The Department would use carryover balances, third-party funding, and user fees to maintain COVID surveillance and drug development efforts; carryover balances would also be used by the Health Resources and Services Administration to keep programs running for a limited amount of time. The National Institutes of Health Clinical Center would operate at 90% of its normal patient load to continue to provide treatment for existing patients.

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House Passes Slate of Health Care Legislation

The House of Representatives passed a number of health care related bills last week, setting them up for possible inclusion in an end of year package.

- The **LIVE Beneficiaries Act** (H.R. 8084) was passed by voice vote.
- The **Chronic Disease Flexible Coverage Act** (H.R. 3800) was passed by voice vote.
- The **TELEMH Act** (H.R. 7858) was passed by voice vote.
- The **Accelerating Kids' Access to Care Act** (H.R. 4758) was passed by voice vote.
- The **Dennis John Benigno Traumatic Brain Injury Program Reauthorization Act** (H.R. 7208) was passed by voice vote.
- The **Medicaid Program Improvement Act** (H.R. 8111) was passed by voice vote.
- The **Medicare and Medicaid Fraud Prevention Act** (H.R. 8089) was passed by voice vote.
- The **SPEAK Act** (H.R. 6033) was passed by voice vote.
- The **BOLD Infrastructure for Alzheimer's Reauthorization Act** (H.R. 7218) was passed by voice vote.
- The **SIREN Reauthorization Act** (S. 265) was passed by voice vote.
- The **Poison Control Centers Reauthorization Act** (S. 4351) was passed by voice vote.
- The **DeOndra Dixon INCLUDE Project Act** (H.R. 7406) was passed by voice vote.
- The **Vietnam Veterans Liver Fluke Cancer Study Act** (H.R. 4424) was passed by voice vote.
- H.R. 6160, to reauthorize a lifespan respite care program, was passed by voice vote.
- H.R. 8112, to require certain additional provider screening under the Medicaid program, was passed by voice vote.
- The **Autism CARES Act** (H.R. 7213) was passed by a 402-13 vote.

E&C Marks Up Telehealth Extension and Other Health Bills

The House Energy and Commerce Committee held a markup last week to consider 16 pieces of legislation. Among the measures passed by the panel was a bill (H.R. 7623) to extend COVID-era telehealth flexibilities for two years. The **Telehealth Modernization Act** extends flexibilities, including those related to geographic and originating site restrictions, practitioners eligible to furnish telehealth services, telehealth services for federally qualified health centers and rural health clinics, and the furnishing of audio-only telehealth services, through December 31, 2026. Such flexibilities are currently scheduled to expire on December 31, 2024. The package is offset by provisions to reform the pharmacy benefit manager industry. The bill passed by a vote of 41-0. The other health-related bills considered by the committee include:

- H.R. 8107, **Ensuring Access to Medicaid Buy-in Programs Act**, advanced by a vote of 43 to 0.
- H.R. 8108, to add a Medicaid State plan requirement with respect to the determination of residency of certain individuals serving in the Armed Forces, advanced by a vote of 42 to 0.
- H.R. 3433, **Give Kids a Chance Act**, advanced by a vote of 43 to 0. H.R. 7155, **United States-Abraham Accords Cooperation and Security Act**, was included in the amendment in the nature of a substitute to H.R. 3433.
- H.R. 7188, **Shandra Eisenga Human Cell and Tissue Product Safety Act**, advanced by a vote of 40-0.
- H.R. 3227, **Ensuring Seniors' Access to Quality Care Act**, advanced by a vote of 20 to 18.
- H.R. 9067, **Building America's Health Care Workforce Act**, advanced by a vote of 23 to 17.

Senate GOP Blocks Consideration of IVF Bill

Senate Republicans again blocked consideration of legislation (S. 4445) to create a legal right for patients to access and providers to use fertility treatments last week. The **Right to IVF Act** would also provide for coverage of fertility treatments for Medicare and Medicaid beneficiaries and for members of the uniformed services and veterans, as well as require private insurers that cover obstetrical services to also cover fertility treatments. The 51-44 vote fell short of the 60-vote threshold necessary for consideration of legislation on the Senate floor. Sens. Susan Collins (R-Maine) and Lisa Murkowski (R-Alaska) joined Democrats in voting in support of the bill. The same legislation was blocked by Senate Republicans in June by a 48-47 vote. Senate Majority Leader Chuck Schumer (D-N.Y.) intended for the votes to highlight Republicans' stance on issues related to reproductive rights ahead of the November elections. Republicans have argued that the measure is unnecessary and overly broad.

HELP Votes to Hold Steward CEO in Contempt

The Senate Health, Education, Labor, and Pensions (HELP) Committee voted to hold the CEO of Steward Healthcare in contempt of Congress last week. The vote followed Dr. Ralph de la Torre's refusal to comply with a subpoena to appear before the committee to discuss Steward's bankruptcy and the subsequent impact on patients. The panel voted 20-0 on two resolutions: the first instructs the Senate legal counsel to bring a civil suit compelling de la Torre to testify; the second refers the matter to the U.S. Attorney for the District of Columbia to criminally prosecute de la Torre for failing to honor the subpoena. The pair of resolutions will now advance to the full Senate for consideration.

Senators Press DOD About Reliance on Foreign Pharmaceuticals

A bipartisan group of senators led by Elizabeth Warren (D-Mass.) have sent a [letter](#) to Secretary of Defense Lloyd Austin regarding the Department's reliance on foreign pharmaceutical products. The lawmakers express concerns about the impact of a 2020 court decision loosening Buy American requirements for federal agency purchasing decisions on the military drug supply chain. "As witnessed by the COVID-19 pandemic, an over-reliance on foreign countries for critical materials, including pharmaceuticals, leaves the U.S. vulnerable to international supply shocks," the lawmakers argue. The letter was signed by Sens. Rick Scott (R-Fla.), Marco Rubio (R-Fla.), Joni Ernst (R-Iowa), Chris Murphy (D-Conn.), and Mike Rounds (R-S.D.). They request information about the Department of Defense's pharmaceutical acquisition strategy by September 30.

Democrats Push for Extension of Enhanced Premium Tax Credits

A bicameral group of Democrats have [written](#) to congressional leadership urging them to extend the enhanced Affordable Care Act health insurance premium tax credits, which are currently set to expire at the end of the year. The lawmakers warn that if the tax credits are allowed to expire "over 20 million Americans will see a sudden increase in their health insurance costs, an estimated three million Americans could lose their health insurance entirely and nearly nine million people will pay more—roughly \$406 per person—for coverage." The letter was led by Sen. Jeanne Shaheen (D-N.H.) and Rep. Lauren Underwood (D-Ill.) and signed by 195 congressional Democrats.

Harris Elected New House Freedom Caucus Chairman

Rep. Andy Harris, M.D. (R-Md.) has been elected as the leader of the House Freedom Caucus through the end of this year. He will replace Rep. Bob Good (R-Va.), who lost his primary race earlier this year. Harris currently chairs the House Appropriations Subcommittee on Agriculture-FDA, where he has sought steep cuts to the Food and Drug Administration. Harris will have to run again in December when the Caucus elects their chair for the 119th Congress.

AHRQ Releases Report to Congress on Sepsis

The Agency for Healthcare Research and Quality (AHRQ) has issued a new [report](#) to Congress on the burden of sepsis in U.S. hospital care. According to the report, the number of sepsis-related inpatient stays at non-federal acute care hospitals in the United States increased from 1.8 million in 2016 to 2.5 million in 2021. The report comes in response to the **Consolidated Appropriations Act for Fiscal Year 2023**, which directed AHRQ to conduct a comprehensive set of studies related to sepsis. AHRQ examines sepsis among all patients as well as among specific patient populations, including adults, pregnant women, children, and newborns. The agency also explores the association of pandemic-related changes in the health care system with the burden of sepsis. The report details how COVID-19 led to a noticeable rise in sepsis-related hospitalizations, hospital costs, and in-hospital mortality, particularly for patients with a COVID diagnosis. In related news, the Food and Drug Administration is expected to release new guidance on sepsis screening for potential tissue donors in the coming weeks.

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 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

Senate Finance Committee hearing “Chaos and Control: How Trump Criminalized Women’s Health Care;” 10:00 a.m.; September 24

House Veterans’ Affairs oversight hearing “Everyday Heroes: Supporting the Veteran Caregiver Community;” 10:15 a.m.; September 25

Senate HELP Subcommittee on Employment and Workplace Safety hearing “Reading the Room: Preparing Workers for AI;” 2:00 p.m.; September 25

House Veterans’ Affairs Subcommittee on Technology Modernization hearing “Ensuring Timely Access: Challenges in VA Scheduling;” 9:00 a.m.; September 26

Senate HELP Committee executive session to consider S. 2305, ***Biosimilar Red Tape Elimination Act***; S. 2780, ***Medication Affordability and Patent Integrity Act***; S. 4436, ***Protect Infant Formula from Contamination Act***; S. 4583, ***Creating Hope Reauthorization Act***; S. 4600, ***Medical Graduate Investment Act***; and S. 5103, ***Food and Drug Administration Foods Accountability Act***; 10:00 a.m.; September 26

Senate Judiciary Committee executive session to consider the ***PREVAIL Act*** (S. 2220), ***Patent Eligibility Restoration Act*** (S. 2140); and ***IDEA Act*** (S. 2713); 10:00 a.m.; September 26

Senate Environment and Public Works Subcommittee on Superfund, Waste Management, and Regulatory Oversight hearing to examine the public health impacts of PFAS exposures; 10:00 a.m.; September 26

House Oversight and Accountability Subcommittee on Health Care and Financial Services hearing “Meddling with Medicare: The Biden-Harris Cover-Up;” 2:00 p.m.; September 26

Recently Introduced Health Legislation

S.5056 — A bill to amend the Controlled Substances Act to clarify how controlled substance analogues that are imported or offered for import are to be regulated, and for other purposes; Sponsor: Grassley, Chuck [Sen.-R-IA]; Committees: Senate – Judiciary

H.R.9598 — To amend the Office of National Drug Control Policy Reauthorization Act to reauthorize such Office, and for other purposes; Sponsor: Comer, James [Rep.-R-KY-1]; Committees: House - Oversight and Accountability

S.5070 — A bill to amend title XIX of the Social Security Act to remove certain age restrictions on Medicaid eligibility for working adults with disabilities; Sponsor: Casey, Robert P., Jr. [Sen.-D-PA]; Committees: Senate – Finance

H.Res.1458 — Recognizing the contributions of medical research and observing “Medical Research Week” from September 16 through September 20, 2024; Sponsor: Carson, André [Rep.-D-IN-7]; Committees: House - Energy and Commerce

H.R.9616 — To amend the Federal Food, Drug, and Cosmetic Act to provide for the prompt approval of drugs when safety information is added to labeling, and for other purposes; Sponsor: Barragán, Nanette Diaz [Rep.-D-CA-44]; Committees: House - Energy and Commerce

H.R.9622 — To improve access to oral health care for vulnerable and underserved populations; Sponsor: Dingell, Debbie [Rep.-D-MI-6]; Committees: House - Energy and Commerce; Ways and Means; Judiciary; Natural Resources; Veterans' Affairs

H.R.9626 — To direct the Department of Defense to develop a plan for the establishment of a secure computing and data storage environment for the testing of artificial intelligence trained on biological data, and for other purposes; Sponsor: Khanna, Ro [Rep.-D-CA-17]; Committees: House - Armed Services

H.R.9627 — To direct the Secretary of Defense to develop a biotechnology roadmap to guide the efforts of the Department of Defense relating to biotechnology, and for other purposes; Sponsor: Khanna, Ro [Rep.-D-CA-17]; Committees: House - Armed Services

H.R.9628 — To direct the Secretary of Defense to collaborate with a federally funded research and development center to assess the biotechnology capabilities of adversaries of the United States, and for other purposes; Sponsor: Khanna, Ro [Rep.-D-CA-17]; Committees: House - Armed Services

H.R.9629 — To amend title 10, United States Code, to expand the exception to the licensure requirement for certain health care professionals providing certain examinations to members of the reserve components; Sponsor: Khanna, Ro [Rep.-D-CA-17]; Committees: House - Armed Services

H.R.9631 — To provide for the establishment or expansion of Food as Medicine programs, and for other purposes; Sponsor: Lee, Barbara [Rep.-D-CA-12]; Committees: House - Energy and Commerce; Agriculture

H.R.9634 — To amend the Public Health Service Act to prohibit the National Institutes of Health from conducting or supporting research that causes significant pain or distress to a nonhuman primate, and for other purposes; Sponsor: Mace, Nancy [Rep.-R-SC-1]; Committees: House - Energy and Commerce

H.R.9643 — To protect and expand nationwide access to fertility treatment, including in vitro fertilization; Sponsor: Wild, Susan [Rep.-D-PA-7]; Committees: House - Energy and Commerce; Veterans' Affairs; Armed Services; Education and the Workforce; Ways and Means; Oversight and Accountability

S.Res.828 — A resolution expressing the sense of the Senate that every person has the basic right to emergency health care, including abortion care; Sponsor: Murray, Patty [Sen.-D-WA]; Committees: Senate - Health, Education, Labor, and Pensions

S.5097 — A bill to amend title XIX of the Social Security Act to establish a demonstration project to improve outpatient clinical care for individuals with sickle cell disease; Sponsor: Booker, Cory A. [Sen.-D-NJ]; Committees: Senate - Finance

H.R.9645 — To require the Inspector General of the Department of Health and Human Services to submit a report on Medicare and Medicaid fraud; Sponsor: Bean, Aaron [Rep.-R-FL-4]; Committees: House - Energy and Commerce; Ways and Means

H.R.9656 — To amend the Public Health Service Act to ensure area career and technical education schools are eligible for mental health and substance use disorder service grants; Sponsor: Langworthy, Nicholas A. [Rep.-R-NY-23]; Committees: House - Energy and Commerce

H.R.9660 — To provide protections from prosecution for drug possession to individuals who seek medical assistance when witnessing or experiencing an overdose, and for other purposes; Sponsor: Neguse, Joe [Rep.-D-CO-2]; Committees: House - Judiciary; Energy and Commerce

S.Res.832 — A resolution supporting the designation of September 19, 2024, as “National Stillbirth Prevention Day”, recognizing tens of thousands of families in the United States that have endured a stillbirth, and seizing the opportunity to keep other families from experiencing the same tragedy; Sponsor: Merkley, Jeff [Sen.-D-OR]; Committees: Senate - Health, Education, Labor, and Pensions

S.5112 — A bill to amend title XVIII of the Social Security Act to provide payment for crisis stabilization services under the prospective payment system for hospital outpatient department services; Sponsor: Cortez Masto, Catherine [Sen.-D-NV]; Committees: Senate – Finance

S.5130 — A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the Comprehensive Opioid Abuse Grant Program, and for other purposes; Sponsor: Cantwell, Maria [Sen.-D-WA]; Committees: Senate – Judiciary

H.Res.1474 — Supporting the designation of September 19, 2024, as “National Stillbirth Prevention Day”, recognizing tens of thousands of families in the United States that have endured a stillbirth, and seizing the opportunity to keep other families from experiencing the same tragedy; Sponsor: Hinson, Ashley [Rep.-R-IA-2]; Committees: House - Energy and Commerce

H.R.9684 — To establish a grant program to facilitate peer-to-peer mental health support programs for secondary school students, and for other purposes; Sponsor: Beyer, Donald S. [Rep.-D-VA-8]; Committees: House - Energy and Commerce; Education and the Workforce

H.R.9686 — To amend the Congressional Budget and Impoundment Control Act of 1974 to codify the Panel of Health Advisors within the Congressional Budget Office, and for other purposes; Sponsor: Carter, Earl L. “Buddy” [Rep.-R-GA-1]; Committees: House – Budget

H.R.9688 — To amend titles XIX and XXI of the Social Security Act to provide for continuous eligibility for certain children under the Medicaid program and the Children’s Health Insurance Program; Sponsor: Castor, Kathy [Rep.-D-FL-14]; Committees: House - Energy and Commerce

H.R.9708 — To ensure affordable health insurance coverage for low-income individuals in States that have not expanded Medicaid; Sponsor: Sewell, Terri A. [Rep.-D-AL-7]; Committees: House - Energy and Commerce; Ways and Means