



Health Policy Briefing

February 3, 2025

Finance Committee to Vote Tuesday on RFK Jr.

Robert F. Kennedy Jr. (RFK), nominee for secretary of the U.S. Department of Health and Human Services (HHS), appeared before the Senate Finance Committee for his confirmation hearing, as well as before the Senate Health, Education, Labor, and Pensions (HELP) Committee for a courtesy hearing, last week. Senators’ questions focused on the nominee’s stances on abortion and vaccines in particular. While Kennedy has previously written that access to abortion should be unrestricted until the infant is viable outside the womb, he repeatedly stated that he will follow President Trump’s guidance on abortion, including as it pertains to the safety of and access to Mifepristone, the hiring of anti-abortion staff at HHS, and fetal tissue research. RFK, who is commonly referred to as a vaccine skeptic, stated during his prepared testimony that he is not “anti-vaccine” but that he is “pro-safety.” During several tense exchanges with HELP Chair Bill Cassidy, MD (R-La.), Kennedy repeatedly refused to say that vaccines do not cause autism. During the more than three-hour hearings, the nominee also stumbled when pressed on basic health policy issues that would be under his purview as HHS secretary – confusing the Medicare and Medicaid programs, struggling to answer a question about EMTALA, and being unable to correctly define Medicare parts A, B, and C. Most Republican panel members, however, appeared to remain supportive of RFK’s nomination, raising issues with bipartisan common ground, including the need to address the rise of chronic disease through the Make America Healthy Again movement. RFK’s willingness to question the scientific establishment was also praised by some GOP senators.

The Senate Finance Committee is scheduled to vote Tuesday on whether to favorably recommend RFK’s nomination to the full Senate. At the conclusion of the HELP Committee hearing, Sen. Cassidy – who also sits on the Finance Committee – plainly stated that he continues to have reservations about Kennedy’s confirmation tied to the nominee’s past of undermining confidence in vaccines. Republicans hold a one seat majority on the Finance Committee, which means Cassidy could prevent the panel from recommending Kennedy’s confirmation. In this case, the full Senate could vote to bring his nomination

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to the floor. Only one cabinet position since 1945 (President Truman's Secretary of Commerce Henry A. Wallace) has been confirmed by the Senate after being reported adversely out of committee. Kennedy can only afford to lose three Senate GOP votes on the floor, assuming united Democratic opposition to his confirmation.

House GOP Holds Annual Policy Retreat

While the Senate was in session making progress on the Trump administration's executive nominations, the House GOP held their annual policy retreat in Florida last week. Lawmakers heard from President Donald Trump, who previewed his plans to impose new tariffs on foreign pharmaceuticals during his speech. The President also reiterated his pledge not to cut the Medicare or Social Security programs. Republicans are currently considering what policies to advance via the budget reconciliation process this year, and what spending cuts should be enacted to offset the reconciliation package. GOP leadership is targeting the month of February to complete work on a budget resolution. Lawmakers would then spend the first half of March completing work on government funding for fiscal year (FY) 2025, and the second half of the month considering the reconciliation package in various committees of jurisdiction. Republicans are aiming to bring the reconciliation package to the floor during the first two weeks of April. May would be dedicated to FY 2026 appropriations. The chamber would turn its focus to raising or suspending the debt ceiling, as well as the must pass National Defense Authorization Act, in June.

Lawmakers Reintroduce Doc Fix Legislation

Reps. Greg Murphy, MD (R-N.C.), Jimmy Panetta (D-Calif.), John Joyce, MD (R-Pa.), Raul Ruiz, MD (D-Calif.), Mariannette Miller-Meeke, MD (R-Iowa), Kim Schrier, MD (D-Wash.), Claudia Tenney (R-N.Y.), Ami Bera, MD (D-Calif.), Carol Miller (R-W.Va.), and Raja Krishnamoorthi (D-Ill.) reintroduced the **Medicare Patient Access and Practice Stabilization Act** (H.R. 879) on Friday. The legislation would prospectively address in full the 2.83% cut to Medicare physician payments that went into effect on January 1, 2025, effective April 1, 2025, through December 31, 2025. The bill would also provide physicians with an additional 2% payment increase reflective of the rising cost of running a practice. A press release on the legislation and the bill text can be found [here](#).

House to Consider Fentanyl Scheduling Bill This Week

The House of Representatives will consider the **HALT Fentanyl Act** (H.R. 27) on the chamber floor this week. The legislation, which would permanently classify fentanyl-related substances as Schedule I substances, has been highlighted as a major Republican priority for early in the 119th Congress. The drug's temporary scheduling is set to expire on March 31. The House Energy and Commerce Subcommittee on Health will convene its first hearing of the 119th Congress on Thursday to consider the issue of combating existing and emerging illicit drug threats. The Senate Judiciary Committee is scheduled to hold a similar hearing on Tuesday titled "The Poisoning of America: Fentanyl, its Analogues, and the Need for Permanent Class Scheduling."

Senate Appropriations Rosters for the 119th Congress

Leadership of the Senate Appropriations Committee announced subcommittee rosters for the 119th Congress last week. Sen. Shelley Moore Capito (R-W.Va.) will retain the top Republican post as chair of the Labor, Health and Human Services, Education, and Related Agencies Subcommittee. Sen. Tammy Baldwin (D-Wis.) also retains her spot as the top Democrat on the subcommittee and will serve as Ranking Member. Sen. John Hoeven (R-N.D.) will chair the Agriculture-Food and Drug Administration Subcommittee alongside Ranking Member Sen. Jeanne Shaheen (D-N.H.). The full Senate Appropriations subcommittee rosters for the 119th Congress can be found [here](#).

Widespread Confusion Results from Now-Rescinded Federal Funding Freeze

The White House issued and rescinded a memo freezing federal assistance last week, causing confusion and chaos across many segments of the health care industry. The original memo, issued on Monday by the Office of Management and Budget (OMB), directed agencies to temporarily pause all federal financial assistance that could be impacted by the numerous executive orders issued by President Donald Trump during the first weeks of his second term. Social Security and Medicare were specifically exempted from the freeze. A [document](#) from OMB estimated that the freeze could impact more than 400 programs at the U.S. Department of Health and Human Services. State Medicaid payment systems also experienced a widespread outage on Tuesday. The White House denied that the outage was a result of the pause on federal spending. The OMB memo was rescinded on Wednesday after a federal judge temporarily blocked the Administration from implementing or enforcing the memo.

Upcoming Congressional Hearings and Markups

Senate Finance Committee Executive Session to Consider Favorably Reporting the Nomination of Robert F. Kennedy, Jr. to be Secretary of Health and Human Services; 10:00 a.m.; February 4

House Energy and Commerce Subcommittee on Health hearing “Combatting Existing and Emerging Illicit Drug Threats;” 10:00 a.m.; February 6

House Oversight and Government Reform Subcommittee on Cybersecurity, Information Technology, and Government Innovation hearing regarding federally funded research involving animals; 2:00 p.m.; February 6

Recently Introduced Health Legislation

H.R.729 — To prohibit chemical abortions performed without the presence of a healthcare provider, and for other purposes. Sponsor: Harris, Mark [Rep.-R-NC-8]; Committees: House - Judiciary

H.R.727 — To amend title IV of the Public Health Service Act to prohibit sale or transactions relating to human fetal tissue. Sponsor: Franklin, Scott [Rep.-R-FL-18]; Committees: House - Energy and Commerce

H.R.722 — To implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person. Sponsor: Burlison, Eric [Rep.-R-MO-7]; Committees: House - Judiciary

H.R.720 — To amend the Internal Revenue Code of 1986 to prohibit treatment of certain distributions and reimbursements for certain abortions as qualified medical expenses. Sponsor: Brecheen, Josh [Rep.-R-OK-2]; Committees: House - Ways and Means

H.R.719 — To amend title XI of the Social Security Act to limit demonstration projects related to abortion under Medicaid and CHIP. Sponsor: Brecheen, Josh [Rep.-R-OK-2]; Committees: House - Energy and Commerce

H.J.Res.30 — Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under the American Innovation and Manufacturing Act of 2020”. Sponsor: Dunn, Neal P. [Rep.-R-FL-2]; Committees: House - Energy and Commerce

H.Res.67 — Recognizing the roles and the contributions of Americas Certified Registered Nurse Anesthetists (CRNAs) and their critical role in providing quality health care for the public and the Nation’s Armed Forces for more than 150 years and through multiple public health emergencies and beyond. Sponsor: Schakowsky, Janice D. [Rep.-D-IL-9]; Committees: House - Energy and Commerce

H.Res.65 — Reaffirming the freedom to decide and expressing continued support for medication abortion access. Sponsor: Gottheimer, Josh [Rep.-D-NJ-5]; Committees: House - Energy and Commerce; Judiciary

S.253 — A bill to amend the Internal Revenue Code of 1986 to provide that amounts paid for an abortion are not taken into account for purposes of the deduction for medical expenses. Sponsor: Lee, Mike [Sen.-R-UT]; Committees: Senate - Finance

S.252 — A bill to increase access to agency guidance documents. Sponsor: Johnson, Ron [Sen.-R-WI]; Committees: Senate - Homeland Security and Governmental Affairs

S.251 — A bill to amend the Internal Revenue Code of 1986 to prohibit treatment of certain distributions and reimbursements for certain abortions as qualified medical expenses. Sponsor: Lee, Mike [Sen.-R-UT]; Committees: Senate - Finance

S.250 — A bill to restrict the availability of Federal funds to organizations associated with the abortion industry. Sponsor: Lee, Mike [Sen.-R-UT]; Committees: Senate - Foreign Relations

S.249 — A bill to amend title XVIII of the Social Security Act to facilitate patient access to certain pediatric technologies. Sponsor: Blackburn, Marsha [Sen.-R-TN]; Committees: Senate - Finance

S.248 — A bill to amend title XVIII of the Social Security Act to permanently extend certain in-home cardiopulmonary rehabilitation flexibilities established in response to COVID-19, and for other purposes. Sponsor: Blackburn, Marsha [Sen.-R-TN]; Committees: Senate - Finance

S.247 — A bill to amend title XVIII of the Social Security Act to clarify payment rules for manual wheelchairs under part B of the Medicare program. Sponsor: Blackburn, Marsha [Sen.-R-TN]; Committees: Senate - Finance

S.242 — A bill to protect the dignity of fetal remains, and for other purposes. Sponsor: Ricketts, Pete [Sen.-R-NE]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.37 — A resolution expressing the sense of the Senate that the people of the United States should have continuous access to timely, up-to-date, and accurate health information. Sponsor: Schatz, Brian [Sen.-D-HI]; Committees: Senate - Health, Education, Labor, and Pensions

S.257 — A bill to improve the resilience of critical supply chains, and for other purposes; Sponsor: Cantwell, Maria [Sen.-D-WA]; Committees: Senate - Commerce, Science, and Transportation

S.266 — A bill to reauthorize the Dr. Lorna Breen Health Care Provider Protection Act, and for other purposes; Sponsor: Kaine, Tim [Sen.-D-VA]; Committees: Senate - Health, Education, Labor, and Pensions

S.275 — A bill to improve the provision of care and services under the Veterans Community Care Program of the Department of Veterans Affairs, and for other purposes; Sponsor: Moran, Jerry [Sen.-R-KS]; Committees: Senate - Veterans' Affairs

S.276 — A bill to amend the Internal Revenue Code of 1986 to expand and improve health savings accounts, and for other purposes; Sponsor: Cruz, Ted [Sen.-R-TX]; Committees: Senate - Finance

H.Res.72 — Expressing support for the designation of January 30, 2025, as CTE (chronic traumatic encephalopathy) and RHI (repeated head impacts) Awareness Day; Sponsor: Fitzpatrick, Brian K. [Rep.-R-PA-1]; Committees: House - Energy and Commerce

H.R.740 — To improve the provision of care and services under the Veterans Community Care Program of the Department of Veterans Affairs, and for other purposes; Sponsor: Bost, Mike [Rep.-R-IL-12]; Committees: House - Veterans' Affairs

H.R.741 — To elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; Sponsor: Stanton, Greg [Rep.-D-AZ-4]; Committees: House - Natural Resources; Energy and Commerce

H.R.742 — To prohibit Federal funds from being used to provide certain gender transition procedures to minors; Sponsor: McCormick, Richard [Rep.-R-GA-7]; Committees: House - Energy and Commerce

H.R.748 — 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: Bergman, Jack [Rep.-R-MI-1]; Committees: House - Veterans' Affairs

H.R.751 — 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.766 — To amend the Public Health Service Act to require the Secretary to award grants, contracts, or cooperative agreements to eligible entities to establish, maintain, or improve activities related to the detection and monitoring of infectious diseases through wastewater for public health emergency preparedness and response purposes, and for other purposes; Sponsor: Garcia, Robert [Rep.-D-CA-42]; Committees: House - Energy and Commerce

H.R.767 — To amend the Public Health Service Act to authorize the Biomedical Advanced Research and Development Authority to award follow-on production contracts or transactions, procure supplies for experimental or test purposes, and acquire innovative commercial products and commercial services, and for other purposes; Sponsor: Garcia, Robert [Rep.-D-CA-42]; Committees: House - Energy and Commerce

H.R.770 — To direct the Secretary of Veterans Affairs to report on certain appeals, resources, and health care systems of the Department of Veterans Affairs; Sponsor: Gottheimer, Josh [Rep.-D-NJ-5]; Committees: House - Veterans' Affairs

H.R.772 — To direct the Secretary of Health and Human Services to revise regulations to remove the requirement under the Medicare program that an off-campus facility or organization shall be located within a 35-mile radius of a hospital or critical access hospital; Sponsor: Green, Mark E. [Rep.-R-TN-7]; Committees: House - Energy and Commerce; Ways and Means

H.R.783 — To amend title XVIII of the Social Security Act to permanently extend certain in-home cardiopulmonary rehabilitation flexibilities established in response to COVID-19, and for other purposes; Sponsor: Joyce, John [Rep.-R-PA-13]; Committees: House - Energy and Commerce; Ways and Means

H.R.785 — 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: Kiggans, Jennifer A. [Rep.-R-VA-2]; Committees: House - Veterans' Affairs

H.R.786 — To amend title XVIII of the Social Security Act to extend incentive payments for participation in eligible alternative payment models under the Medicare program; Sponsor: LaHood, Darin [Rep.-R-IL-16]; Committees: House - Energy and Commerce; Ways and Means

H.R.795 — To prohibit the Department of Health and Human Services from treating pregnancy as an illness for purposes of approving abortion drugs; Sponsor: Miller, Mary E. [Rep.-R-IL-15]; Committees: House - Energy and Commerce

H.R.796 — To amend the Federal Food, Drug, and Cosmetic Act to require a warning label advising that the effects of mifepristone can be counteracted, to amend the Public Health Service Act to establish a hotline to provide information to women seeking to counteract the effects of mifepristone, and for other purposes; Sponsor: Miller, Mary E. [Rep.-R-IL-15]; Committees: House - Energy and Commerce

H.R.797 — To ensure that women seeking an abortion are notified, before giving informed consent to receive an abortion, of the medical risks associated with the abortion procedure and the major developmental characteristics of the unborn child; Sponsor: Miller, Mary E. [Rep.-R-IL-15]; Committees: House - Energy and Commerce

H.R.798 — To protect the dignity of fetal remains, and for other purposes; Sponsor: Miller, Mary E. [Rep.-R-IL-15]; Committees: House - Energy and Commerce

H.R.810 — To amend the Internal Revenue Code of 1986 to expand and improve health savings accounts, and for other purposes; Sponsor: Roy, Chip [Rep.-R-TX-21]; Committees: House - Ways and Means

S.297 — A bill to amend title XXVII of the Public Health Service Act to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide coverage for prostate cancer screenings without the imposition of cost-sharing requirements, and for other purposes; Sponsor: Boozman, John [Sen.-R-AR]; Committees: Senate - Health, Education, Labor, and Pensions

S.312 – A bill to establish a Federal tort against pediatric gender clinics and other entities pushing gender-transition procedures that cause bodily injury to children or harm the mental health of children; Sponsor: Hawley, Josh [Sen.-R-MO]; Committees: Senate – Judiciary

S.325 — A bill to reduce health risks of heat by establishing the National Integrated Heat Health Information System within the National Oceanic and Atmospheric Administration and the National Integrated Heat Health Information System Interagency Committee to improve extreme heat preparedness, planning, and response, and for other purposes; Sponsor: Markey, Edward J. [Sen.-D-MA]; Committees: Senate - Commerce, Science, and Transportation

S.329 – 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.331 — A bill to amend the Controlled Substances Act with respect to the scheduling of fentanyl-related substances, and for other purposes; Sponsor: Cassidy, Bill [Sen.-R-LA]; Committees: Senate – Judiciary

S.335 — A bill to amend title XVIII of the Social Security Act to rebase the calculation of payments for sole community hospitals and Medicare-dependent hospitals, and for other purposes; Sponsor: Grassley, Chuck [Sen.-R-IA]; Committees: Senate – Finance

S.339 — A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of multi-cancer early detection screening tests; Sponsor: Crapo, Mike [Sen.-R-ID]; Committees: Senate – Finance

S.341 — A bill to amend the Clean Air Act to establish a grant program for supporting local communities in detecting, preparing for, communicating about, or mitigating the environmental and public health impacts of wildfire smoke and extreme heat, and for other purposes; Sponsor: Merkley, Jeff [Sen.-D-OR]; Committees: Senate - Environment and Public Works