



Health Policy Briefing

January 7, 2019

Government Shutdown Enters Week 3

The partial government shutdown, effecting roughly a quarter of the federal government, has entered its third week. Congressional leadership continue to meet with the White House but have failed to reach a deal over funding for a border wall, with the President rejecting a \$2.5 billion deal offered by his own administration and continuing to call for at least \$5 billion. Democrats have repeatedly rejected this demand. The President has recently stated that he would be willing to let the shutdown continue for months or years.

House Democrats passed legislation hours after taking control of the chamber that would provide funding to reopen several federal agencies closed due to the lapse in funding and provide a continuing resolution (CR) to fund the Department of Homeland Security through Feb. 8 to allow additional time for border security negotiations. The CR to fund Homeland Security passed by a vote of 239-192. The bill to fund the remaining six unfunded agencies of the federal government through the end of the fiscal year (FY) passed by a vote of 241-190. Senate Majority Leader Mitch McConnell (R-Ky.) has not brought the measures to the Senate floor for a vote, citing a veto threat from the President.

The House and Senate are back in session on Tuesday, with the partial government shutdown expected to continue. The House plans to vote this week on four individual appropriations bills: (1) Financial Services and General Government; (2) Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; (3) Interior, Environment, and Related Agencies; and (4)

Transportation, Housing and Urban Development, and Related Agencies.

The bills are identical to legislation that passed the Senate last year, with the addition of language to ensure that federal workers furloughed during the shutdown receive pay.

The House also plans to consider the *Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2019* on the floor on Tuesday under suspension

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of the rules. The bill contains the same language passed by the chamber by a vote of 367-9 at the conclusion of the 115th Congress in December. The legislation was not passed by the Senate prior to the close of the 115th Congress.

House Dems Agree to Intervene in ACA Lawsuit

House Democrats plan to intervene, as a defendant, alongside a group of Democratic states, in the ongoing Affordable Care Act (ACA) lawsuit. The administration declined to defend the law in a case brought by 20 GOP-led states in which a Texas judge deemed the ACA unconstitutional. The House has scheduled a vote for Wednesday on a motion to intervene in the lawsuit to formally place Republicans on the record in opposition to the law and its protections for people with preexisting conditions. The resolution will be introduced by freshman Rep. Colin Allred (D-Texas). The chamber had previously agreed to involve House counsel in the case as a part of the passage of a larger package of rules for the 116th Congress.

A coalition of 16 Democratic states and the District of Columbia, led by California Attorney General Xavier Becerra, officially began the appeals process to defend the law by filing a formal notice to appeal on Thursday. Texas Judge Reed O'Connor ordered that despite his ruling, the health law remain fully intact while the case undergoes appeal to avoid "great uncertainty" for Americans covered under the ACA.

House Energy and Commerce Chairman Frank Pallone (D-N.J.) announced plans for his panel to hold a hearing later this month on the effects of the ACA ruling as a part of a broader effort by the Committee to examine the administration's handling of the 2010 health care law. This will be one of the first three hearings held by the committee in the 116th Congress.

Pelosi Elected Speaker of the House for 116th Congress

Nancy Pelosi (D-Calif.) was elected Speaker of the House in a 220-192 vote on Thursday. This will be Pelosi's second term with the Speaker's gavel; she is the only woman to have ever held the post. She agreed to limit her new speakership to a maximum of four years in a deal that secured her the support of some members within her own caucus. Twelve Democrats voted for candidates other than Pelosi, and three Democrats voted present. All but six Republicans voted for House Minority Leader Kevin McCarthy (R-Calif.). Pelosi promised to lower health care and prescription drug costs and to protect people with preexisting conditions in her remarks after being sworn in as Speaker. She also stated last week that replacing the ACA's individual mandate and raising the income level for insurance subsidy eligibility will be two of her top priorities this congress. Majority Leader Steny Hoyer (D-Md.) and Majority Whip Jim Clyburn (D-S.C.) will continue to serve as Pelosi's deputies, with Rep. Steve Scalise (R-La.) serving as McCarthy's Minority Whip.

House Approves Democratic Rules Package

The House approved a Democratic rules package by a vote of 234-197 on Thursday. Three Republicans, Reps. Tom Reed (N.Y.), John Katko (N.Y.), and Brian Fitzpatrick (Pa.), voted for the package. Three Democrats, Reps. Ro Khanna (Calif.), Tulsi Gabbard (Hawaii), and Alexandria Ocasio-Cortez (N.Y.) voted against it. Khanna and Ocasio-Cortez expressed opposition to the inclusion of a pay-as-you-go provision, which requires a point of order against any bill that raises the deficit but is able to be waived. The package includes legislative-process reforms and would require bills to be publicly available for 72 hours before a House vote.

House to Hold First Hearings on Medicare for All

At least three House committees will hold hearings on “Medicare for All” this year, starting with the Rules and Budget panels, according to the head of the Medicare for All Caucus Pramila Jayapal (D-Wash.). Ways and Means Chairman Richard Neal (D-Mass.) also announced that his committee will hold a hearing on the single-payer health care system proposal this year, and Jayapal is soliciting the support of Energy and Commerce Chairman Frank Pallone (D-N.J.) for scheduling a hearing. Speaker Pelosi has expressed support for hearings on the issue. The hearings will focus on the Medicare for All policy itself, rather than the financing of the idea. Jayapal hopes to release draft legislation in the coming weeks but will wait to formally introduce a bill until she has built support for it. The draft will not include a pay-for.

Alexander, HELP to Focus on Reducing Health Care Costs

Lamar Alexander (R-Tenn.), chairman of the Senate Health, Education, Labor and Pensions (HELP) Committee announced that his top focus for the panel for the next two years will be reducing health care costs. He is soliciting specific ideas for legislative, regulatory, or subregulatory solutions from health care experts, economists, doctors, nurses, patients, hospital administrators, state regulators and legislators, governors, employers, insurers and innovators about how to reduce health care costs for taxpayers, employers and families.

Senate GOP Committee Assignments

Senate Majority Leader Mitch McConnell (R-Ky.) released Republican committee assignments for the 116th Congress following the swearing in of new members on Jan. 3. Sens. Mitt Romney (R-Utah) and Mike Braun (R-Ind.) have been added to the Senate HELP Committee. The Senate Finance Committee added Sens. James Lankford (R-Okla.), Steve Daines (R-Mont.) and Todd Young (R-Ind.), who left HELP, to its membership. The assignments are subject to approval by the Republican Conference and full Senate. Democratic rosters were announced last month.

Roberts Will Not Seek Reelection in 2020

Sen. Pat Roberts (R-Kan.) has announced that he will not seek a fifth term in 2020. Roberts represented Kansas’ 1st Congressional District from 1981 until he was first elected to the upper chamber in 1996. He is the chairman of the Senate Agriculture Committee and a member of the Senate HELP and Finance Committees.

NC House Seat Remains Vacant

North Carolina Republican congressional candidate Mark Harris was not seated in the House at the start of the 116th Congress. Harris has a narrow lead in the race against Democrat Dan McCready for the state’s 9th Congressional District, but the state Board of Elections will not certify the results until an investigation into possible election fraud committed by one of Harris’s staff members is completed. It is the last undecided race of the 2018 midterm election cycle.

Slight Decline in 2019 HealthCare.gov Enrollment

Approximately 8.4 million people selected or re-enrolled in plans using HealthCare.gov, according to the Centers for Medicare and Medicaid Services’ (CMS) final weekly enrollment snapshot for the 2019 enrollment period. This is a decline from 8.7 million signups last year. CMS will release data in March detailing plan selection data from state-based exchanges that do not use the HealthCare.gov platform.