

## Coronavirus Update



# Health Policy Briefing

March 9, 2020

President Trump has signed a \$7.8 billion emergency spending bill (H.R. 6074) to combat the coronavirus outbreak. The bipartisan **Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020** also allows the Medicare program to spend \$500 million on telehealth programs used in response to the virus.

The legislation includes \$6.5 billion for the U.S. Department of Health and Human Services (HHS), \$1.25 billion for the State Department and the U.S. Agency for International Development (USAID), and \$20 million for the Small Business Administration. The bill provides:

- \$3.1 billion for the Public Health and Social Services Emergency Fund to be used to develop and purchase vaccines and medical supplies;
- \$300 million in contingency funds to purchase vaccines if necessary;
- \$100 million for community health centers;
- \$2.2 billion to the Centers for Disease Control and Prevention (CDC), including \$950 million for state and local preparedness grants, \$300 million for global disease detection and response, and \$300 million for the Infectious Disease Rapid Response Reserve Fund;
- \$836 million for the National Institutes of Health (NIH);
- \$10 million for worker-based training and health worker protection;
- \$435 million for international public health programs, including \$200 million for the U.S. Emergency Reserve Fund; and
- \$300 million for humanitarian and health assistance in areas affected by the virus.

The bill will also allow HHS to regulate the commercial price of a coronavirus vaccine. It was advanced by the House of

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Representatives on Wednesday by a vote of 415-2 and was passed by the Senate a day later by a vote of 96-1. Reps. Ken Buck (R-Colo.) and Andy Biggs (R-Ariz.) as well as Sen. Rand Paul (R-Ky.) voted against the measure. Lawmakers have said that they expect Congress will need to augment funding before the outbreak subsides, and Senate Finance Committee Chairman Chuck Grassley (R-Iowa) stated that his panel will consider “appropriate tax relief responses” to the coronavirus if it becomes necessary.

Dr. Deborah Birx has been tapped to coordinate the White House’s response to the coronavirus. Birx is a retired Army colonel, former Obama administration appointee, and most recently served as the State Department’s global AIDS coordinator. Vice President Mike Pence also met with lawmakers last week on the latest COVID-19 policies and to discuss the supplemental funding request. The Vice President stressed that it remains unclear how significant the outbreak will be. He also acknowledged concerns about the slow pace of testing for the virus. He told lawmakers that the government will ensure that the coronavirus diagnostic test is affordable for all Americans, but it is unclear how universal coverage of the test will be implemented. A [letter](#) sent on Friday from Reps. Rosa DeLauro (D-Conn.), Katie Porter (D-Calif.), and Lauren Underwood (D-Ill.) urges HHS and the Department of Labor to require that private insurers cover the test without any cost-sharing requirements.

Bipartisan leaders of the Senate Special Committee on Aging are [asking](#) HHS to take action to protect the senior population, who are particularly susceptible to COVID-19, from the outbreak. Chair Susan Collins (R-Maine) and Ranking Member Bob Casey (D-Pa.) urged HHS Secretary Azar to “consider the unique health needs of older Americans in all aspects of the domestic response, from hospital preparedness to the impact of drug shortages to vaccine development.” Several Democratic lawmakers have also written to the Federal Trade Commission (FTC) and the Food and Drug Administration (FDA) requesting details on what the agencies are doing to stop consumer scams related to the virus and the marketing of fraudulent coronavirus cures. [Letters](#) focused on fraud were sent by Rep. Bill Pascrell (D-N.J.) and Sens. Elizabeth Warren (D-Mass.) and Bob Casey (D-Pa.).

The Government Accountability Office (GAO) also [released](#) a spotlight report on the coronavirus last week.

### ***Grassley Sees Increasing Support for Drug Pricing Bill***

Senate Finance Committee Chairman Chuck Grassley (R-Iowa) announced that 24 Republicans have signed on in support of his panel’s updated bipartisan drug pricing legislation. Grassley has stated that he needs 25 Republican members to convince Senate leadership to allow a vote on the ***Prescription Drug Pricing Reduction Act***, which already has the support of President Trump. Chairman Grassley also discussed a new cost analysis for the bill from the Congressional Budget Office (CBO) last week, which estimates that the legislation would save \$50 billion over the next decade in out-of-pocket costs for prescription drugs. This is almost double CBO’s original estimate of \$27 billion. Savings from premium spending, however, decreased from \$5 billion to \$1 billion, while government savings over the next 10 years also declined from \$85 billion to around \$80 billion. The bill has been revised to lower Part D beneficiary cost sharing in the initial phase of coverage from 25 percent to 20 percent. Grassley plans to officially introduce the updated legislation “very soon.”

### ***Energy and Commerce Requests Briefing on Generic Marketing***

Bipartisan leadership of the House Energy and Commerce Committee have [requested](#) a briefing from Commissioner of Food and Drugs Stephen Hahn about marketing status reporting requirements for generic drugs. The ***Food and Drug Administration Reauthorization Act of 2017*** (FDARA) requires certain drug applicants to notify the agency about marketing status, withdrawals from the market, and when a drug will not be for sale within 180 days of FDA approval. The lawmakers express concerns about actions possibly taken by manufacturers to manipulate the market, pointing to “instances where generic manufacturers allegedly exited the market temporarily to suppress competition and fix prices.” They ask for details about temporary market withdrawals reported to FDA, how FDA is monitoring and tracking marketing status information, and whether FDA is addressing gaps or overlaps in information manufacturers must report when withdrawing from the market.

### ***Meadows to Replace Mulvaney as White House Chief of Staff***

**P**resident Trump announced that Rep. Mark Meadows (R-N.C.) will replace Mick Mulvaney as his chief of staff. Rep. Meadows is the former chairman of the House Freedom Caucus and the current ranking member of the House Oversight and Reform Committee. He planned to retire from Congress at the end of the year. Mulvaney will be appointed as U.S. special envoy for Northern Ireland.

### **Upcoming Congressional Hearings and Markups**

*House Appropriations Subcommittee on Labor, Health and Humans Services, Education and Related Agencies hearing titled “Centers for Disease Control and Prevention Budget Request for FY 2021;” 10:00 a.m., 2358-C Rayburn Bldg.; March 10*

*House Oversight and Reform Subcommittee on National Security hearing “U.S. Biodefense and Response to the Novel Coronavirus Outbreak;” 2:00 p.m., 2154 Rayburn Bldg.; March 10*

*House Homeland Security Subcommittee on Emergency Preparedness, Response, and Recovery hearing “Community Perspectives on Coronavirus Preparedness and Response;” 2:00 p.m., 310 Cannon Bldg.; March 10*

*House Oversight and Reform Committee hearing “Coronavirus Preparedness and Response;” 10:00 a.m., 2154 Rayburn Bldg. March 11*

*House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies hearing “Food and Drug Administration Budget Request for FY2021;” 11:00 a.m., 2362-A Rayburn Bldg.; March 11*

*House Homeland Security Committee hearing “Confronting the Coronavirus: The Federal Response;” 2:00 p.m., 310 Cannon Bldg.; March 11*

*House Veterans Affairs Subcommittee on Health hearing “Resilience and Coping: Mental Health of Women Veterans;” 2:00 p.m., 210 Capitol Bldg.; March 11*

*House Appropriations Subcommittee on State, Foreign Operations, and Related Programs Public Witness Day; 8:30 a.m., 2358-C Rayburn Bldg.; March 12*

*House Appropriations Subcommittee on Defense Member Day; 9:00 a.m., H-140 Capitol Bldg.; March 12*

*House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies Public Witness Day; time and location TBA; March 24*

**Recently Introduced Health Legislation**

*H.Res.873 — Recognizing the impact and importance of improving prevention, detection, and treatment modalities for African-American women with cardiovascular disease and diabetes; Sponsor: Rep. Beatty, Joyce [D-OH-3]; Committees: House - Energy and Commerce*

*H.Res.874 — Expressing support for the annual Heart Valve Disease Awareness Day on February 22, 2020, coinciding with American Heart Month; Sponsor: Rep. Beatty, Joyce [D-OH-3]; Committees: House - Energy and Commerce*

*H.R.5991 — To extend protections to part-time workers in the areas of family and medical leave and pension plans, and to ensure equitable treatment in the workplace; Sponsor: Rep. Schakowsky, Janice D. [D-IL-9]; Committees: House - Education and Labor; House Administration; Oversight and Reform; Ways and Means; Judiciary*

*H.R.5997 — To direct the Secretary of Health and Human Services to designate an official within the Department of Health and Human Services to coordinate the efforts of Federal departments and agencies with respect to COVID-19; Sponsor: Rep. Engel, Eliot L. [D-NY-16]; Committees: House - Energy and Commerce*

*H.R.6003 — To exempt certain Federal first responder grants from matching fund requirements to address the Nation's rising rate of first responder suicides and other mental health issues, and for other purposes; Sponsor: Rep. Kelly, Robin L. [D-IL-2]; Committees: House - Judiciary; Science, Space, and Technology*

*H.R.6004 — To amend title XXVII of the Public Health Service Act to require the Secretary of Health and Human Services to establish a grant program for purposes of facilitating State efforts to establish or maintain all-payer claims databases, and for other purposes; Sponsor: Rep. Lipinski, Daniel [D-IL-3]; Committees: House - Energy and Commerce; Education and Labor*

*H.R.6005 — To amend title XXVII of the Public Health Service Act to increase transparency of group health plans and health insurance issuers offering group or individual health insurance coverage by removing gag clauses on price and quality information, and for other purposes; Sponsor: Rep. Malinowski, Tom [D-NJ-7]; Committees: House - Energy and Commerce*

*H.R.6008 — To direct the Attorney General to develop crisis intervention training tools for use by first responders related to interacting with persons who have a traumatic brain injury, another form of acquired brain injury, or post-traumatic stress disorder, and for other purposes; Sponsor: Rep. Pascrell, Bill, Jr. [D-NJ-9]; Committees: House - Judiciary; Energy and Commerce*

*H.R.6019 — To expand the tropical disease product priority review voucher program to encourage treatments for coronavirus; Sponsor: Rep. Jeffries, Hakeem S. [D-NY-8]; Committees: House - Energy and Commerce*

*S.Res.511 — A resolution supporting the role of the United States in helping save the lives of children and protecting the health of people in developing countries with vaccines and immunization through GAVI, the Vaccine Alliance; Sponsor: Sen. Rubio, Marco [R-FL]; Committees: Senate - Foreign Relations*

*S.Res.513 — A resolution designating February 2020 as “American Heart Month” and February 7, 2020, as “National Wear Red Day”; Sponsor: Sen. Sinema, Kyrsten [D-AZ]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Voice Vote.*

*S.3342 — A bill to amend the Controlled Substances Act to prohibit the deceptive sale of fentanyl, and for other purposes; Sponsor: Sen. Cotton, Tom [R-AR]; Committees: Senate - Judiciary*

*S.3343 — A bill to amend the Federal Food, Drug, and Cosmetic Act to provide enhanced security for the medical supply chain; Sponsor: Sen. Hawley, Josh [R-MO]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3346 — A bill to amend the Homeland Security Act of 2002 to authorize the use of Homeland Security Grant Program funds for anti-blood loss purposes, and for other purposes; Sponsor: Sen. Menendez, Robert [D-NJ]; Committees: Senate - Homeland Security and Governmental Affairs*

*S.3350 — A bill to amend title XVIII of the Social Security Act to deem certain State Veterans homes meeting certain health and safety standards as meeting conditions and requirements for skilled nursing facilities under the Medicare and Medicaid programs; Sponsor: Sen. Crapo, Mike [R-ID]; Committees: Senate - Finance*

*S.3351 — A bill to direct the Director of the National Science Foundation to support multidisciplinary research on the science of suicide, and to advance the knowledge and understanding of issues that may be associated with several aspects of suicide including intrinsic and extrinsic factors related to areas such as wellbeing, resilience, and vulnerability; Sponsor: Sen. Cornyn, John [R-TX]; Committees: Senate - Commerce, Science, and Transportation*

*S.3353 — A bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients, and for other purposes; Sponsor: Sen. Cassidy, Bill [R-LA]; Committees: Senate - Finance*

*S.3354 — A bill to amend the Child Nutrition Act of 1966 to establish a community health partnership grant program; Sponsor: Sen. Brown, Sherrod [D-OH]; Committees: Senate - Agriculture, Nutrition, and Forestry*

*S.3358 — A bill to extend protections to part-time workers in the areas of family and medical leave and pension plans, and to ensure equitable treatment in the workplace; Sponsor: Sen. Warren, Elizabeth [D-MA]; Committees: Senate - Health, Education, Labor, and Pensions*

*H.Res.880 — Supporting the designation of March 2020 as National Colorectal Cancer Awareness Month; Sponsor: Rep. Payne, Donald M., Jr. [D-NJ-10]; Committees: House - Oversight and Reform*

*H.R.6049 — To amend the Federal Food, Drug, and Cosmetic Act to provide enhanced security for the medical supply chain; Sponsor: Rep. Gallagher, Mike [R-WI-8]; Committees: House - Energy and Commerce*

*S.3370 — A bill to conduct or support further comprehensive research for the creation of a universal coronavirus vaccine; Sponsor: Sen. Markey, Edward J. [D-MA]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3372 — A bill to amend the Public Health Service Act to provide for treatment of certain respiratory protective devices as covered countermeasures for purposes of targeted liability protections for pandemic and epidemic products and security countermeasures, and for other purposes; Sponsor: Sen. Fischer, Deb [R-NE]; Committees: Senate - Health, Education, Labor, and Pensions*

*H.Res.883 — Expressing support for designation of March 3, 2020, as National Triple-Negative Breast Cancer Day; Sponsor: Rep. Morelle, Joseph D. [D-NY-25]; Committees: House - Oversight and Reform*

*H.R.6062 — To amend certain provisions in the Federal Food, Drug, and Cosmetic Act relating to the discontinuance or interruption in the production of life-saving drugs so as to apply such provisions with respect to life-saving devices, and for other purposes; Sponsor: Rep. Schneider, Bradley Scott [D-IL-10]; Committees: House - Energy and Commerce*

*H.R.6068 — To direct the Secretary of Health and Human Services to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study on the health outcomes of the use of e-cigarettes during pregnancy, and for other purposes; Sponsor: Rep. Moore, Gwen [D-WI-4]; Committees: House - Energy and Commerce*

*H.R.6070 — To establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism, infectious disease, and noncommunicable emerging threats, and for other purposes; Sponsor: Rep. Torres Small, Xochitl [D-NM-2]; Committees: House - Energy and Commerce; Foreign Affairs*

*S.3374 — A bill to amend the Public Health Service Act to protect the confidentiality of substance use disorder patient records; Sponsor: Sen. Manchin, Joe, III [D-WV]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3376 — A bill to amend title XX of the Social Security Act to provide low-income individuals with opportunities to enter and follow a career pathway in the health professions, to extend and expand demonstration projects, and for other purposes; Sponsor: Sen. Heinrich, Martin [D-NM]; Committees: Senate - Finance*

*S.3380 — A bill to improve patient safety by supporting State-based quality improvement efforts and through enhanced data collection and reporting, and for other purposes; Sponsor: Sen. Whitehouse, Sheldon [D-RI]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3383 — A bill to amend the Patient Protection and Affordable Care Act to ensure that preexisting condition exclusions with respect to enrollment in health insurance coverage and group health plans continue to be prohibited; Sponsor: Sen. Kennedy, John [R-LA]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3384 — A bill to allow for negotiation of prices for certain covered Medicare part D drugs, to allow for importation by individuals of prescription drugs from Canada, to preserve access to affordable generics and biosimilars, to increase the use of real-time benefit tools to lower beneficiary costs, to establish a manufacturer discount program, and for other purposes; Sponsor: Sen. McSally, Martha [R-AZ]; Committees: Senate - Finance*

*H.R.6075 — To expand and improve access to trauma-informed mental health interventions for newly arriving immigrants at the border, to alleviate the stress of and provide education for border agents, and for other purposes; Sponsor: Rep. Napolitano, Grace F. [D-CA-32]; Committees: House - Judiciary; Homeland Security*

*H.R.6080 — To amend the Federal Food, Drug, and Cosmetic Act to reduce drug shortages and for other purposes; Sponsor: Rep. Peters, Scott H. [D-CA-52]; Committees: House - Energy and Commerce*

*H.R.6090 — To provide for a new building period with respect to the cap on full-time equivalent residents for purposes of payment for graduate medical education costs under the Medicare program for certain hospitals that have established a shortage specialty program; Sponsor: Rep. Ruiz, Raul [D-CA-36]; Committees: House - Ways and Means; Energy and Commerce*

*S.Res.529 — A resolution designating February 29, 2020, as “Rare Disease Day”; Sponsor: Sen. Brown, Sherrod [D-OH]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Voice Vote.*

*S.3385 — A bill to strengthen the use of patient-experience data within the benefit-risk framework for approval of new drugs; Sponsor: Sen. Wicker, Roger F. [R-MS]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3390 — A bill to provide for a new building period with respect to the cap on full-time equivalent residents for purposes of payment for graduate medical education costs under the Medicare program for certain hospitals that have established a shortage specialty program; Sponsor: Sen. Barrasso, John [R-WY]; Committees: Senate - Finance*

*S.3392 — A bill to expand and improve access to trauma-informed mental health interventions for newly arriving immigrants at the border, to alleviate the stress of and provide education for border agents, and for other purposes; Sponsor: Sen. Merkley, Jeff [D-OR]; Committees: Senate - Homeland Security and Governmental Affairs*

*H.R.6092 — To direct the Secretary of Veterans Affairs to establish a national clinical pathway for prostate cancer, access to life-saving extending precision clinical trials and research, and for other purposes; Sponsor: Rep. Dunn, Neal P. [R-FL-2]; Committees: House - Veterans' Affairs*

*H.R.6098 — To amend title XXI of the Social Security Act to allow States to expand income eligibility standards under the Children's Health Insurance Program, and for other purposes; Sponsor: Rep. Barragan, Nanette Diaz [D-CA-44]; Committees: House - Energy and Commerce*

*H.R.6102 — To amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of in vitro clinical tests, and for other purposes; Sponsor: Rep. DeGette, Diana [D-CO-1]; Committees: House - Energy and Commerce*

*S.3399 — A bill to extend the Frontier Community Health Integration Project Demonstration; Sponsor: Sen. Tester, Jon [D-MT]; Committees: Senate - Finance*

*S.3404 — A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of in vitro clinical tests, and for other purposes; Sponsor: Sen. Burr, Richard [R-NC]; Committees: Senate - Health, Education, Labor, and Pensions*

*S.3408 — A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the placement of veterans in non-Department medical foster homes for certain veterans who are unable to live independently; Sponsor: Sen. Sinema, Kyrsten [D-AZ]; Committees: Senate - Veterans' Affairs*

*S.3415 — A bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families; Sponsor: Sen. Murray, Patty [D-WA]; Committees: Senate - Health, Education, Labor, and Pensions*