



Health Policy Briefing

May 10, 2021

Pallone Previews Path for H.R. 3

House Energy and Commerce Committee Chair Frank Pallone (D-N.J.) told reporters last week that Democrats’ signature drug pricing legislation (H.R. 3) could be added to the President’s infrastructure package, indicating that he is “going to use whatever vehicle I can to get this done.” He said that House committee leaders plan to mark up and pass H.R. 3 this year, without providing a more specific timeframe. Lawmakers have also yet to determine the number, size, and scope of bills through which to move the President’s infrastructure proposals.

House to Move FY22 Spending Bills in June and July

House Appropriations Committee Chair Rosa DeLauro (D-Conn.) announced that her panel will mark up the 12 annual spending bills for fiscal year (FY) 2022 in June, ahead of July floor votes. Lawmakers in the House of Representatives had until April 30 to submit earmark requests, which are now [listed](#) on the committee’s website. Congress has until the end of the fiscal year on September 30 to pass appropriations legislation or to rely on a stopgap spending measure to avoid a shutdown of the federal government. Neither Budget Committee chairs Rep. John Yarmuth (D-Ky.) nor Sen. Bernie Sanders (I-Vt.) have released FY22 budget resolutions, which would set top-line spending levels and could also set up the reconciliation process for the President’s infrastructure proposals. Yarmuth has previously stated plans to send a full budget proposal by Memorial Day.

Debt Limit Projection Revised

Last week, U.S. Treasury Secretary Janet Yellen indicated that the “extraordinary measures” for addressing the debt ceiling could run out “this summer.” While the debt ceiling is due to be re-instated as of July 31st, traditionally, the Department of Treasury has certain tools it can deploy to give Congress more time – up to several months -- to address the situation. Democrats are expected to use the budget reconciliation process to raise the ceiling, possibly tying it to the President’s recently proposed infrastructure packages.

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White House Announces Support for Vaccine Trade Waiver

The Biden administration announced support of a proposed waiver of patent protections for COVID-19 vaccines. This so-called “TRIPS waiver” would allow global manufacturers to replicate vaccine formulas to potentially increase vaccine production across the world. The waiver, which was first proposed by India and South Africa through the World Trade Organization (WTO) last year and is supported by 55 other countries, was opposed by the Trump administration. Proponents of the waiver argue that any loss of profit by pharmaceutical companies resulting from the waiver would be offset by the global economic gains that result from pandemic recovery across the rest of the world. The Biden administration’s move was praised by many Democratic lawmakers who had lobbied the White House in favor of the waiver and pointed to the U.S. government’s investment in each COVID-19 vaccine. Industry continues to assert that strong intellectual property protections are necessary to incentivize continued innovation, and that the waiver could create such a demand for vaccine supplies and raw materials amongst entities with little manufacturing experience that will impede global production while putting the safety and security of the supply chain at risk. The WTO operates by consensus, meaning all 164 members would have to agree to support the waiver to take effect. The United States’ change of position has already prompted Canada to say that it is willing to engage in talks on the subject matter, although the reversal was criticized by Germany, which stated “the limiting factor in vaccine manufacturing is production capacity and high quality standards, not patents.” It remains unclear whether other European Union countries will come out in support of the waiver. India and South Africa have stated that they could revise their waiver request, which originally covered COVID-19 vaccines, therapeutics, and diagnostics, to be more narrow. The issue may next be examined at a WTO intellectual property council meeting later this month.

House Lawmakers Push for E-Labeling Flexibility

A group of 20 bipartisan members of the House of Representatives are [asking](#) that appropriators allow for drug prescribing information to be sent to providers and pharmacists digitally. The letter, which was spearheaded by Reps. Mikie Sherrill (D-N.J.) and Adam Kinzinger (R-Ill.), argues that e-labeling would reduce the environmental footprint of paper prescribing and could be readily adopted by those already using electronic health records (EHRs). They urge appropriations leadership to not include any language in the FY 2022 appropriations bill that would prohibit the Food and Drug Administration (FDA) from allowing pharmaceutical prescribing information (PI) to be delivered in digital form instead of paper.

MA Prior Authorization Bill to be Reintroduced

In preparation for the reintroduction of the *Improving Seniors’ Timely Access to Care Act* this week, Reps. Suzan DelBene (D-Wash.), Mike Kelly (R-Pa.), Ami Bera (D-Calif.), and Larry Buchson (R-Ind.) sent a Dear Colleague letter seeking original cosponsors for the bill. The legislation aims to increase accountability and bring transparency to the Medicare Advantage (MA) program by establishing an electronic prior authorization process and a process for “real-time decisions” for items and services that are routinely approved under prior authorization. It would also require MA plans to report on their use of prior authorization and the rate of approvals and denials. The bipartisan bill was previously cosponsored by 208 lawmakers during the 116th Congress.

Senior CDC Vaccine Official Resigns

Nancy Messonnier has announced her resignation from the Centers for Disease Control and Prevention (CDC) effective May 14. Dr. Messonnier has held a number of posts at the agency since 1995 when she first began serving in the Epidemic Intelligence Service, and has worked as director of the National Center for Immunization and Respiratory Diseases since 2016. Messonnier is leaving to become the Executive Director of the Skoll Foundation. Her resignation comes amidst reports CDC Director Rochelle Walensky planned to reorganize Messonnier's division at CDC.

Yarmuth Announces Budget Staff Changes

House Budget Committee Chair John Yarmuth (D-Ky.) announced that Diana Meredith will serve as Staff Director following the retirement of Ellen Balis. Meredith has helped staff the panel for the past 18 years, previously serving as Deputy Staff Director, Budget Analyst for Health, and Budget Analyst for Income Security Programs. She previously worked at the White House Office of Management and Budget (OMB). The Budget Committee plays an integral role in the reconciliation process which is expected to be used to advance the President's infrastructure and anti-poverty agenda.

Hart Health Strategies COVID-19 Resources

Hart Health Strategies Inc. continues to update the following resources related to the coronavirus pandemic. Please remember to clear your cache to ensure you download the most recent documents.

- [Disaster Primer](#)
- [Federal Relief Overview](#)
- [Hospice and Palliative Care](#)
- [Nursing Resources](#)
- [Personal Protective Equipment](#)
- [Physician Provisions](#)
- [Re-Opening America](#)
- [Small Business Resources](#)
- [Small Business - Paycheck Protection Program](#)
- [State Resources](#)
- [Tax Provisions](#)
- [Telehealth Overview](#)
- [Testing](#)
- [Vaccines](#)

Upcoming Congressional Hearings and Markups

Senate Health, Education, Labor, and Pensions (HELP) Committee hearing “An Update from Federal Officials on Efforts to Combat COVID-19;” 10:00 a.m.; May 11

House Science, Space, & Technology Committee Investigations and Oversight Subcommittee hearing “COVID-19 Variants and Evolving Research Needs;” 10:00 a.m.; May 12

Senate Foreign Relations Committee hearing “COVID-19 Pandemic and the International Response;” 10:00 a.m.; May 12

Senate Commerce, Science, and Transportation Committee executive session to consider legislation including S.1260, Endless Frontier Act; 10:00 a.m., May 12

House Energy and Commerce Subcommittee on Health hearing “The Fiscal Year 2022 HHS Budget;” 10:30 a.m.; May 12

Senate Finance Committee hearing “The COVID-19 Pandemic and Beyond: Improving Mental Health and Addiction, Services in Our Communities;” 3:00 p.m.; May 12

House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies hearing “Mental Health Emergencies: Building a Robust Crisis Response System;” 10:00 a.m.; May 13

House Foreign Affairs Subcommittee on Western Hemisphere, Civilian Security, Migration, and International Economic Policy hearing “A Race Against Time: Deploying Vaccines and Addressing the Disproportionate Impact of COVID-19 in Latin America and the Caribbean;” 2:00 pm.; May 13

House Appropriations Labor, Health and Human Services, Education, and Related Agencies Subcommittee public witness hearing for Fiscal Year 2022; time TBD; May 19

Recently Introduced Health Legislation

H.Res.364 — Acknowledging the contributions of America’s addiction professionals and their commitment to delivering evidence-based practice to individuals with substance use disorders through recognized standards of education, training, and competencies; Sponsor: Rep. Joyce, David P. [R-OH-14]; Committees: House - Energy and Commerce

H.Res.365 — Expressing support for the designation of May 2021 as “Mental Health Awareness Month”; Sponsor: Rep. Napolitano, Grace F. [D-CA-32]; Committees: House - Energy and Commerce

H.R.2910 — To direct the Secretary of Veterans Affairs to carry out a pilot program to improve the ability of veterans to access medical care in medical facilities of the Department of Veterans Affairs and in the community by providing the veterans the ability to choose health care providers; Sponsor: Rep. Biggs, Andy [R-AZ-5]; Committees: House - Veterans’ Affairs

H.R.2914 — To add suicide prevention resources to school identification cards; Sponsor: Rep. Correa, J. Luis [D-CA-46]; Committees: House - Education and Labor

H.R.2916 — To direct the Secretary of Veterans Affairs to carry out a series of clinical trials on the effects of cannabis on certain health outcomes of veterans with chronic pain and post-traumatic stress disorder, and for other purposes; Sponsor: Rep. Correa, J. Luis [D-CA-46]; Committees: House - Veterans’ Affairs

H.R.2929 — To provide funding for the Assistant Secretary for Mental Health and Substance Use to award grants for the purpose of supporting virtual peer behavioral health support services, and for other purposes; Sponsor: Rep. Lee, Susie [D-NV-3]; Committees: House - Energy and Commerce

H.R.2932 — To direct the Secretary of Veterans Affairs to conduct and support research on the efficacy and safety of medicinal cannabis, and for other purposes; Sponsor: Rep. Miller-Meeks, Mariannette [R-IA-2]; Committees: House - Veterans' Affairs

H.R.2934 — To amend title XVIII of the Social Security Act to remove from the list of drugs excluded from coverage under the Medicare prescription drug program prescription oral vitamins and mineral products indicated for the treatment of iron deficiency anemia in individuals with chronic kidney disease; Sponsor: Rep. O'Halleran, Tom [D-AZ-1]; Committees: House - Energy and Commerce; Ways and Means

H.R.2955 — To authorize a pilot program to expand and intensify surveillance of self-harm in partnership with State and local public health departments, to establish a grant program to provide self-harm and suicide prevention services in hospital emergency departments, and for other purposes; Sponsor: Rep. Stewart, Chris [R-UT-2]; Committees: House - Energy and Commerce

H.R.2959 — To establish the Consumer and Investor Fraud Working Group to help protect consumers and investors from fraud during the COVID-19 pandemic, to assist consumers and investors affected by such fraud, and for other purposes; Sponsor: Rep. Axne, Cynthia [D-IA-3]; Committees: House - Financial Services

H.R.2972 — To amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes; Sponsor: Rep. DeGette, Diana [D-CO-1]; Committees: House - Energy and Commerce; Ways and Means

H.R.2981 — To amend the Public Health Service Act to ensure the provision of high-quality service through the Suicide Prevention Lifeline, and for other purposes; Sponsor: Rep. Katko, John [R-NY-24]; Committees: House - Energy and Commerce

H.R.2992 — 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.2999 — To award grants for the recruitment, retention, and advancement of direct care workers; Sponsor: Rep. Scott, Robert C. "Bobby" [D-VA-3]; Committees: House - Education and Labor; Energy and Commerce