



Health Policy Briefing

August 16, 2021

Senate Passes Bipartisan Infrastructure Package, FY22 Budget Resolution

The Senate passed the \$1 trillion bipartisan infrastructure package on Tuesday by a vote of 69-30, with 19 Republicans joining in support of the legislation. The bill contains traditional infrastructure-related provisions to fund roads, bridges, transit, and broadband build-out with nearly \$550 billion in new funding. The Congressional Budget Office (CBO) estimates that the legislation will add \$256 billion to the deficit over the next decade. Hart Health Strategies Inc.'s summary of health provisions in the infrastructure package can be found [here](#).

The package will now be sent to the House of Representatives, where House Speaker Nancy Pelosi (D-Calif.) has said that the bipartisan infrastructure package is not “inclusive of the totality of President Biden and Congressional Democrats’ vision to Build Back Better.” Speaker Pelosi plans to pass the budget resolution and then pass the reconciliation bill as soon as possible. Therefore, Speaker Pelosi has instructed the House Rules Committee to consider advancing a rule that covers both the budget resolution and the bipartisan infrastructure package.

After Senate passage of the infrastructure legislation, Senate Democrats turned to consideration of their \$3.5 trillion fiscal year (FY) 2022 budget resolution, containing reconciliation instructions and top-line spending figures for a broader package of measures such as Medicare expansion, immigration reform, climate change, and universal pre-K that could be advanced through the Senate without GOP support. The budget resolution was passed in the early hours of Wednesday morning by a 50-49 party line vote, following hours of debate and a vote-a-rama of non-binding, political messaging amendments.

Roughly one-third of the budget framework consists of health-care related provisions, including an expansion of the Medicare program to include dental, vision, and hearing care; lowering of the Medicare eligibility age to age 60; closing the Medicaid gap; making permanent recent increases to health insurance subsidies; increasing access to home and community-based services; addressing health professional shortages; and preparing for the next pandemic. Hart Health Strategies Inc.'s summary of key instructions related to health care in the Senate-passed budget resolution can be found [here](#).

The budget resolution instructs committees of jurisdiction to draft

Inside

- [Rep. Ron Kind Announces Retirement.....](#)2
- [HHS Issues Vaccine Mandate.....](#)2
- [OSHA Releases New Mask Guidance.....](#)2
- [Chamber of Commerce to Challenge Health Plan Transparency Rule.....](#)2
- [Justice Barret Denies Appeal of College Vaccine Mandate.....](#)3
- [Recently Introduced Health Legislation.....](#)3

provisions by mid-September. The resolution will not be signed into law, but is a necessary step to kickstart the budget reconciliation process, which allows the Senate to bypass the 60-vote threshold required to pass most legislation through the chamber. All 50 Senate Democrats will need to be unified around the social spending package, which is expected to be brought for a vote in late September. Sens. Kyrsten Sinema (D-Ariz.) and Joe Manchin (D-W.Va.) have already raised concerns about the total size and price of the bill.

President Joe Biden issued a call to Congress last week to lower the cost of prescription drugs, and to specifically allow the Medicare program to negotiate drug prices, as lawmakers begin negotiations on the \$3.5 trillion reconciliation package. The package is expected to rely on savings created by a reduction in drug prices. The President also expressed support for penalizing pharmaceutical manufacturers that raise their prices faster than inflation and for capping out-of-pocket costs for consumers.

Before a bill can be passed via reconciliation, the House will need to adopt the same FY 2022 budget resolution. While the House was originally scheduled to be in recess until September 20, the chamber is now expected to return the week of August 23 to consider the budget resolution along with voting rights legislation. According to Majority Leader Steny Hoyer (D-Md.), the House will remain in session until “business for the week is concluded.”

Rep. Ron Kind Announces Retirement

Rep. Ron Kind (D-Wis.) has announced that he will not seek reelection at the end of the 117th Congress, telling reporters that he has “run out of gas” after 13 terms in office. Kind is a senior member of the Ways and Means Committee and sits on the Health Subcommittee. He beat his Republican challenger by less than three percentage points in 2020, and his district is expected to be competitive in the 2022 cycle.

HHS Issues Vaccine Mandate

The U.S. Department of Health and Human Services (HHS) is requiring its more than 25,000 health care workers to be vaccinated against COVID-19. The mandate will apply to staff, contractors, trainees, and volunteers at the National Institutes of Health (NIH), Indian Health Service (IHS), and U.S. Public Health Service Commissioned Corps. “Vaccines are the best tool we have to protect people from COVID-19, prevent the spread of the Delta variant, and save lives,” HHS Secretary Xavier Becerra said in a statement following the announcement.

OSHA Releases New Mask Guidance

The Occupational Safety and Health Administration (OSHA) released new guidance on Friday to reflect the latest recommendations from the Centers for Disease Control and Prevention (CDC) regarding mask usage. The CDC advises that in areas of substantial or high COVID-19 transmission, all workers – including those who are fully-vaccinated – should wear masks indoors while on the job. The guidance, which does not apply to health-care employers covered by OSHA’s COVID-19 emergency temporary standard, also recommends that fully vaccinated workers who come into close contact with people who have COVID-19 wear masks indoors for up to 14 days unless they have a negative COVID test three to five days after the contact. The agency suggests that “employers consider adopting policies that require workers to get vaccinated or to undergo regular COVID-19 testing—in addition to mask wearing and physical distancing—if they remain unvaccinated.”

Chamber of Commerce to Challenge Health Plan Transparency Rule

The U.S. Chamber of Commerce is suing the U.S. Department of Health and Human Services (HHS) to halt the implementation of a Trump-administration health insurance price transparency regulation. The group is arguing that HHS exceeded their statutory authority in adopting the rule, which they say will cost industry over \$3.5 billion during its first year in effect, and millions of dollars every year thereafter. The rule would require health plans and insurers to post negotiated rates, allowed amounts, and prescription drug price data in a machine-readable format.

Justice Barret Denies Appeal of College Vaccine Mandate

U.S. Supreme Court Justice Amy Coney Barrett has denied a challenge to Indiana University's requirement that all students be vaccinated against COVID-19 for the fall semester unless they have a religious or medical exemption. It is the first time the Supreme Court has acted on a vaccine mandate. Eight students were attempting to sue the university for violating their constitutional rights. Barret denied their request and chose not to refer it to the nation's full high court. Under the school's policy, those who receive a religious or medical exemption must wear masks in public spaces and be tested for COVID-19 twice a week. Six of the eight suing students have claimed a religious exemption but are objecting to having to wear masks and be tested.

Recently Introduced Health Legislation

H.R.4983 — To prohibit elementary schools, secondary schools, and institutions of higher education that receive Federal funding from mandating COVID-19 vaccinations, and for other purposes. Sponsor: Rep. Van Duyne, Beth [R-TX-24]; Committees: House - Education and Labor

H.R.4981 — To amend the Fentanyl Sanctions Act, to modify certain deadlines relating to the Commission on Combating Synthetic Opioid Trafficking. Sponsor: Rep. Trone, David J. [D-MD-6]; Committees: House - Foreign Affairs

H.R.4980 — To direct the Secretary of Homeland Security to ensure that any individual traveling on a flight that departs from or arrives to an airport inside the United States or a territory of the United States is fully vaccinated against COVID-19, and for other purposes. Sponsor: Rep. Torres, Ritchie [D-NY-15]; Committees: House - Homeland Security

H.R.4978 — To direct the Attorney General to make grants to States that have in place a law providing for the rights of sexual assault survivors, and for other purposes. Sponsor: Rep. Speier, Jackie [D-CA-14]; Committees: House - Judiciary

H.R.4976 — To direct the Secretary of Defense to ensure that removal and remedial actions relating to PFAS contamination result in levels meeting or exceeding certain standards, and for other purposes. Sponsor: Rep. Slotkin, Elissa [D-MI-8]; Committees: House - Armed Services; Transportation and Infrastructure; Energy and Commerce

H.R.4975 — To prohibit the procurement, purchase, and sale by the Department of Defense of certain items containing a perfluoroalkyl substance or polyfluoroalkyl substance. Sponsor: Rep. Slotkin, Elissa [D-MI-8]; Committees: House - Armed Services

H.R.4974 — To establish a State public option through Medicaid to provide Americans with the choice of a high-quality, low-cost health insurance plan. Sponsor: Rep. Schrier, Kim [D-WA-8]; Committees: House - Energy and Commerce; Ways and Means

H.R.4970 — To direct the Secretary of Health and Human Services to establish a grant program to encourage the development and expansion of approved medical residency training programs in rural areas. Sponsor: Rep. O'Halleran, Tom [D-AZ-1]; Committees: House - Energy and Commerce

H.R.4965 — To amend title XXXIII of the Public Health Service Act with respect to flexibility and funding for the World Trade Center Health Program, and for other purposes. Sponsor: Rep. Maloney, Carolyn B. [D-NY-12]; Committees: House - Energy and Commerce

H.R.4961 — To amend title 38, United States Code, to improve assistance for veterans with travel necessary for counseling, mental health services, health care, and other services furnished by the Department of Veterans Affairs, and for other purposes. Sponsor: Rep. Larsen, Rick [D-WA-2]; Committees: House - Veterans' Affairs

H.R.4952 — To amend title XIX of the Social Security Act to provide States an option to cover a children's program of all-inclusive coordinated care (ChiPACC) under Medicaid program. Sponsor: Rep. DeGette, Diana [D-CO-1]; Committees: House - Energy and Commerce

H.R.4944 — To amend the Public Health Service Act to authorize grants to support pediatric behavioral health care integration and coordination, and for other purposes. Sponsor: Rep. Blunt Rochester, Lisa [D-DE-At Large]; Committees: House - Energy and Commerce

H.R.4943 — To amend the Public Health Service Act to authorize grants to children's hospitals for increasing their capacity to provide pediatric behavioral health services, and for other purposes. Sponsor: Rep. Blunt Rochester, Lisa [D-DE-At Large]; Committees: House - Energy and Commerce

H.R.4942 — To establish a demonstration program to provide integrated care for Medicare beneficiaries with end-stage renal disease, and for other purposes. Sponsor: Rep. Blumenauer, Earl [D-OR-3]; Committees: House - Energy and Commerce; Ways and Means

H.R.4941 — To amend title XVIII of the Social Security Act to ensure Medicare-only PACE program enrollees have a choice of prescription drug plans under Medicare part D. Sponsor: Rep. Blumenauer, Earl [D-OR-3]; Committees: House - Energy and Commerce; Ways and Means

H.R.4937 — To provide Medicaid assistance to individuals and families affected by a disaster or emergency, and for other purposes. Sponsor: Rep. Panetta, Jimmy [D-CA-20]; Committees: House - Energy and Commerce; Ways and Means

S.2674 — A bill to reauthorize funding for programs to prevent, investigate, and prosecute elder abuse, neglect, and exploitation, and for other purposes; Sponsor: Sen. Wyden, Ron [D-OR]; Committees: Senate - Finance

S.2676 — A bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes; Sponsor: Sen. Tester, Jon [D-MT]; Committees: Senate - Health, Education, Labor, and Pensions

S.2683 — A bill to amend title XXXIII of the Public Health Service Act with respect to flexibility and funding for the World Trade Center Health Program, and for other purposes; Sponsor: Sen. Gillibrand, Kirsten [D-NY]; Committees: Senate - Health, Education, Labor, and Pensions

S.2685 — A bill to terminate any existing mask mandates imposed by the Federal Government, to prevent the implementation of new mask mandates, to preserve individual liberty, and for other purposes; Sponsor: Sen. Cruz, Ted [R-TX]; Committees: Senate - Health, Education, Labor, and Pensions

S.2686 — A bill to prohibit vaccination mandates for COVID-19; Sponsor: Sen. Cruz, Ted [R-TX]; Committees: Senate - Judiciary

H.Res.583 — Amending the Rules of the House of Representatives to establish a Permanent Select Committee on Aging; Sponsor: Rep. Cicilline, David N. [D-RI-1]; Committees: House - Rules

H.Res.584 — Highlighting the importance of Title 42 Public Health Authorities; Sponsor: Rep. Lesko, Debbie [R-AZ-8]; Committees: House - Energy and Commerce

H.R.4991 — To require persons who undertake federally funded research and development of a biomedical product or service to enter into reasonable pricing agreements with the Secretary of Health and Human Services, and for other purposes; Sponsor: Rep. DeFazio, Peter A. [D-OR-4]; Committees: House - Energy and Commerce

H.R.4993 — To amend title 38, United States Code, to modify the limitation on reimbursement for emergency treatment of amounts owed to a third party or for which the veteran is responsible under a health-plan contract; Sponsor: Rep. Dingell, Debbie [D-MI-12]; Committees: House - Veterans' Affairs

H.R.5003 — To direct the Secretaries of Health and Human Services, Defense, and Veterans Affairs to end American over-dependence on Chinese pharmaceuticals by encouraging the growth of a robust domestic medicine supply chain for generic drugs, to empower the Food and Drug Administration to issue boxed warnings in the case of critical contamination, and for other purposes; Sponsor: Rep. Posey, Bill [R-FL-8]; Committees: House - Energy and Commerce; Armed Services; Veterans' Affairs; Ways and Means

H.R.5005 — To amend title XX of the Social Security Act to provide grants and training to support area agencies on aging or other community-based organizations to address social isolation among vulnerable older adults and people with disabilities; Sponsor: Rep. Sanchez, Linda T. [D-CA-38]; Committees: House - Ways and Means