



## Health Policy Briefing

March 21, 2022

### Omnibus Signed into Law as WH Continues Push for More COVID Relief

President Joe Biden has signed into law the \$1.5 trillion omnibus spending bill funding the federal government through September and providing \$13.6 billion in humanitarian and security assistance in response to Russia's invasion of Ukraine. The bill does not contain the \$15.6 billion in emergency coronavirus spending requested by the White House. The administration continues to push lawmakers to pass additional COVID-19 emergency funding, arguing that Congress' stalemate on additional pandemic relief threatens access to affordable COVID therapies and treatments. The White House stated last week that the U.S. has canceled orders for COVID-19 treatments due to the lapse in funding and that the administration still seeks the \$22.5 billion initially requested to combat COVID. Officials have warned that the allocation of monoclonal antibody treatments to states will be reduced by 30% beginning this week, and treatment supplies could be completely exhausted by May. The supply of pre-exposure treatment for the immunocompromised will run out in July, and the federal supply of anti-viral pills will be exhausted by September. The White House has also cautioned that a lack of additional funding would impact the ability to purchase additional vaccine doses to cover all Americans if a fourth dose is eventually recommended, and that testing capacity will be negatively impacted by the failure to provide more emergency funds. Senate Republicans have been urging the administration to be more transparent in accounting for the COVID funds that have been previously appropriated, what additional funds are needed, and how long those funds will last. GOP senators have also requested further details about the government's stockpile of vaccines, tests, and therapeutics.

House Speaker Nancy Pelosi (D-Calif.) issued an apology to U.S. Department of Health and Human Services Secretary Xavier Becerra and administration adviser

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Anthony Fauci for the officials having to personally appeal to lawmakers for the funding. She stated that Democrats are still struggling to decide how to offset the cost of additional COVID spending. The House of Representatives is not scheduled to be in session this week. Republicans will head to Florida for their annual issues conference from March 23-25. During the retreat lawmakers will focus on determining the GOP agenda for the months leading up to the November midterm elections.

## HRSA Reporting Period 2 Opens As COVID Uninsured Program Scaled Back

The Health Resources and Services Administration (HRSA) has been administering the Provider Relief Fund ([PRF](#)), which has provided relief to providers for COVID-related expenses and losses as well as reimbursement for certain claims related to the uninsured. The [PRF Reporting Portal](#) is currently open for Reporting Period 2 until **March 31, 2022**, for providers who received one or more PRF payments exceeding \$10,000, in aggregate, from July 1 to December 31, 2020. Given the lack of additional funding, HRSA has announced that it will soon stop accepting [claims for the uninsured](#). On **March 22, 2022**, at 11:59 pm ET, the HRSA COVID-19 Uninsured Program will stop accepting claims for testing and treatment due to a lack of sufficient funds. On **April 5, 2022**, at 11:59 pm ET, the HRSA COVID-19 Uninsured Program and COVID-19 Coverage Assistance Fund will also stop accepting vaccination claims due to a lack of sufficient funds. Finally, entities have until **May 2, 2022**, to [request reconsideration](#) of the PRF Phase 4 and American Rescue Plan (ARP) Rural Reconsideration payments – a process intended for providers who believe their Phase 4/ARP Rural payment was not calculated correctly.

## Young Confirmed as OMB Director, WH Budget Request Expected Next Week

The Senate confirmed Shalanda Young as Director of the Office of Management and Budget (OMB) last week in a 61-36 vote. Young has been serving as Acting Director of OMB since March of last year after being confirmed by the Senate as OMB Deputy Director. President Joe Biden is expected to send his budget request for fiscal year (FY) 2023 to Congress on March 28. The annual budget document will outline the administration's priorities and legislative proposals for the coming year and is meant to guide Congress as appropriators begin negotiations on FY 2023 spending legislation.

## Capitol Hill and White House to Slowly Reopen to Public

Details about the reopening of the Capitol building have emerged following a meeting between staff for the Senate Rules Committee, House Administration Committee, Senate and House Sergeants at Arms, and the U.S. Capitol Police. Reports indicate that the Capitol building will begin to open in three phases starting on March 28, when the official visitor limit will be increased from 9 to 15. Staff-led tours will also resume that day, and school groups will be allowed back into the building. The Capitol Visitor Center will begin a limited reopening on May 30, with a full reopening of the Capitol expected around Labor Day. This tentative plan is subject to the U.S. Capitol Police addressing current staff shortage issues. Public tours of the White House will resume on April 15, 2022. The Biden-Harris administration plans to monitor the COVID-19 situation and will adjust the availability of public tours as necessary to adhere to the latest public health guidance.

## Supreme Court Confirmation Hearings This Week

Ketanji Brown Jackson will appear before the Senate Judiciary Committee for her Supreme Court confirmation hearings this week. On Monday, Brown and panel members will provide opening statements. Following two days of questions with the Supreme Court nominee, the Judiciary Committee will hear testimony from outside experts on Thursday. Democrats are pushing for a bipartisan vote on Brown's nomination, with Judiciary Chair Dick Durbin (D-Ill.) in talks with approximately six Republican senators with a chance of supporting her confirmation to the Supreme Court.

## China Competition Bills Expected to Move to Conference Committee

Senate Majority Leader Chuck Schumer (D-N.Y.) took the first procedural step necessary in establishing a conference committee to iron out the differences between the House- and Senate-passed China competition bills (H.R. 4521/S. 1260). The legislation aims to enhance U.S. research and development on advanced manufacturing, strengthen science and technology education, and prevent China from recruiting American scientists and academics. Sen. Mark Warner (D-Va.) has said he wishes to see a final vote on a bill before Memorial Day weekend.

## HELP Advances Pandemic Preparedness Package

The Senate Health, Education, Labor, and Pensions (HELP) Committee voted 20-2 to favorably report the **PREVENT Pandemics Act**. The bill (S. 3799) aims to strengthen the nation's pandemic preparedness and response capabilities. The bipartisan measure contains 37 bills and input from 33 lawmakers, including legislation from Chair Patty Murray (D-Wash.) and Ranking Member Richard Burr (R-N.C.) to authorize the Advanced Research Projects Agency for Health (ARPA-H). During the bill markup, the committee adopted several bipartisan amendments to

- prohibit federally funded research on dangerous pathogens in nations deemed a "country of concern" by the director of national intelligence;
- publish a list of anticipated economic impacts 30 days after the declaration of a public health emergency;
- support continuing education for health professionals in rural areas;
- identify opportunities for private-sector engagement to respond to an emerging threat or pandemic;
- modify a sentence on a study to include nonprofit manufacturing;
- increase U.S. manufacturing for certain critical antibiotics; and
- set aside at least 5% of the money in the social determinants of health program for tribal health.

The panel also agreed to an amendment from Sen. Bernie Sanders (I-Vt.) to provide \$177 million for the Nursing Corps.

## CPC Urges President to Take Executive Action to Advance Priorities

The Congressional Progressive Caucus (CPC) is calling on President Joe Biden to issue executive orders before the November midterm elections to address parts of their domestic agenda that remain stalled before Congress. The 98 Democratic members of the House of Representatives argue that executive authority could be used to address issues like climate change and prescription drug pricing. The group suggests that the White House use its contracting power and other authorities to lower the cost of medicines like insulin and epinephrine autoinjectors, to allow drug manufacturers in other countries to make their own COVID-19 vaccines, and to require that new treatments developed from government contracts for medical research be reasonably priced. The New Democrat Coalition, a centrist group of Democrats, also issued a statement in support of the administration using executive action to advance policies "that reflect the priorities of the American people, are developed in consultation with Congress, and have strong consensus among congressional Democrats."

## More Lawmakers Test Positive for COVID-19

More lawmakers have announced that they have tested positive for breakthrough cases of COVID-19, including Sen. Jeanne Shaheen (D-N.H.), and Reps. Gerry Connolly (D-Va.), Madeleine Dean (D-Pa.), Zoe Lofgren (D-Calif.), Fred Upton (R-Mich.), Andy Kim (D-N.J.), Joe Neguse (D-Colo.), Kim Schrier (D-Wash.), Peter Welch (D-Vt.), and Jared Golden (D-Maine). They each attributed their lack of severe symptoms to being vaccinated and boosted. Second Gentleman Doug Emhoff has also tested positive for COVID-19 in a breakthrough case of the virus. Vice President Kamala Harris continues to test negative but canceled an appearance last week out of an abundance of caution.

## Upcoming Congressional Hearings and Markups

Senate Health, Education, Labor, and Pensions (HELP) Committee hearing “Strengthening Federal Mental Health and Substance User Disorder Programs: Opportunities, Challenges, and Emerging Issues;” 10:00 a.m.; March 23

Senate Commerce, Science, and Transportation Committee hearing “Developing Next Generation Technology for Innovation;” 10:00 a.m.; March 23

Senate Aging Committee hearing “An Economy That Cares: The Importance of Home-Based Services;” 10:00 a.m.; March 23

Senate Veterans’ Affairs Committee hearing to examine improving the VA’s Program of Comprehensive Assistance for Family Caregivers;” 3:00 p.m.; March 23

House Select Committee on the Coronavirus Crisis hearing “Moving Beyond the Coronavirus Crisis: The Biden Administration’s Progress in Combating the Pandemic and Plan for the Next Phase;” 10:00 a.m.; March 30

## Recently Introduced Health Legislation

H.R.7069 — To establish the Commission on the COVID-19 Pandemic. Sponsor: Rep. Speier, Jackie [D-CA-14]; Committees: House - Energy and Commerce; Intelligence

H.R.7060 — To modify conditions of funding for the distance learning, telemedicine, and broadband program of the Rural Utilities Service, and for other purposes. Sponsor: Rep. Johnson, Dusty [R-SD-At Large]; Committees: House - Energy and Commerce; Agriculture

H.R.7057 — To revoke Transportation Security Administration directives to implement the Federal mask mandate in public transportation systems, and for other purposes. Sponsor: Rep. Gimenez, Carlos A. [R-FL-26]; Committees: House - Homeland Security

H.R.7055 — To amend the Public Health Service Act with regard to research on asthma, and for other purposes. Sponsor: Rep. Dingell, Debbie [D-MI-12]; Committees: House - Energy and Commerce

S.3824 — A bill to amend the Public Health Service Act to reauthorize a grant program for screening, assessment, and treatment services for maternal mental health and substance use disorders, and for other purposes; Sponsor: Sen. Gillibrand, Kirsten E. [D-NY]; Committees: Senate - Health, Education, Labor, and Pensions

S.3828 — A bill to provide student loan forgiveness to health care workers who are on the front line in response to COVID-19; Sponsor: Sen. Whitehouse, Sheldon [D-RI]; Committees: Senate – Finance

S.3831 — A bill to require the National Academies of Sciences, Engineering, and Medicine to conduct a study relating to COVID-19 immunity resulting from a prior infection, vaccination, or both, and the COVID-19 pandemic; Sponsor: Sen. Braun, Mike [R-IN]; Committees: Senate - Health, Education, Labor, and Pensions

S.3832 — A bill to require the Secretary of Health and Human Services, and any applicable agency within the Department of Health and Human Services, to make public information relating to the origin of COVID-19; Sponsor: Sen. Braun, Mike [R-IN]; Committees: Senate - Health, Education, Labor, and Pensions

S.3834 — A bill to strengthen medical device supply chains; Sponsor: Sen. Braun, Mike [R-IN]; Committees: Senate - Health, Education, Labor, and Pensions

S.3837 — A bill to amend the Defense Production Act of 1950 to ensure the supply of certain medical materials essential to national defense, and for other purposes; Sponsor: Sen. Hagerty, Bill [R-TN]; Committees: Senate - Banking, Housing, and Urban Affairs

H.Res.984 — Recognizing the importance of sleep health and expressing support for the designation of the week of March 13 to March 19, 2022, as “Sleep Awareness Week”; Sponsor: Rep. Raskin, Jamie [D-MD-8]; Committees: House - Energy and Commerce

H.R.7073 — To amend the Public Health Service Act to reauthorize a grant program for screening, assessment, and treatment services for maternal mental health and substance use disorders, and for other purposes; Sponsor: Rep. Clark, Katherine M. [D-MA-5]; Committees: House - Energy and Commerce

H.R.7076 — To amend the Public Health Service Act to reauthorize the pediatric mental health care access grant program, and for other purposes; Sponsor: Rep. Schrier, Kim [D-WA-8]; Committees: House - Energy and Commerce

H.R.7084 — To amend the Federal Food, Drug, and Cosmetic Act to require, for purposes of ensuring cybersecurity, the inclusion in any premarket submission for a cyber device of information to demonstrate a reasonable assurance of safety and effectiveness throughout the lifecycle of the cyber device, and for other purposes; Sponsor: Rep. Burgess, Michael C. [R-TX-26]; Committees: House - Energy and Commerce

H.R.7089 — To amend title 38, United States Code, to furnish hospital care and medical services to veterans and dependents who were stationed at military installations at which the veterans and dependents were exposed to perfluorooctanoic acid or other per- and polyfluoroalkyl substances, to provide for a presumption of service connection for certain veterans who were stationed at military installations at which the veterans were exposed to such substances, and for other purposes; Sponsor: Rep. Kildee, Daniel T. [D-MI-5]; Committees: House - Veterans’ Affairs

H.R.7091 — To award posthumously a Congressional Gold Medal to Henrietta Lacks, in recognition of her immortal cells which have made invaluable contributions to global health, scientific research, our quality of life, and patients’ rights; Sponsor: Rep. Mfume, Kweisi [D-MD-7]; Committees: House - Financial Services; House Administration

S.J.Res.41 — A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Health and Human Services relating to “Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services”; Sponsor: Sen. Rubio, Marco [R-FL]; Committees: Senate - Health, Education, Labor, and Pensions

S.3846 — A bill to reauthorize the Justice and Mental Health Collaboration Program, and for other purposes; Sponsor: Sen. Cornyn, John [R-TX]; Committees: Senate – Judiciary

S.3848 — A bill to authorize the Secretary of Education to make grants to fund additional school-based mental health providers to help reduce psychological harm, and assist with the return to adaptive coping in schools following a violent or traumatic crisis, and for other purposes; Sponsor: Sen. Peters, Gary C. [D-MI]; Committees: Senate - Health, Education, Labor, and Pensions

S.3851 — A bill to amend title 38, United States Code, to furnish hospital care and medical services to veterans and dependents who were stationed at military installations at which those veterans and dependents were exposed to perfluorooctanoic acid or other perfluoroalkyl and polyfluoroalkyl substances, to provide for a presumption of service connection for certain veterans who were stationed at military installations at which those veterans were exposed to such substances, and for other purposes; Sponsor: Sen. Stabenow, Debbie [D-MI]; Committees: Senate - Veterans’ Affairs

S.3854 — A bill to amend title 38, United States Code, to improve certain programs of the Department of Veterans Affairs for home and community based services for veterans, and for other purposes; Sponsor: Sen. Moran, Jerry [R-KS]; Committees: Senate - Veterans' Affairs

H.J.Res.76 — Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Health and Human Services relating to “Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services”; Sponsor: Rep. Gonzales, Tony [R-TX-23]; Committees: House - Energy and Commerce

H.R.7097 — To facilitate the provision of telehealth services through interstate recognition of health care professionals' licenses, and for other purposes; Sponsor: Rep. Cawthorn, Madison [R-NC-11]; Committees: House - Energy and Commerce

H.R.7107 — To amend the Internal Revenue Code of 1986 to expand the use of retirement plan funds to obtain long-term care insurance, and for other purposes; Sponsor: Rep. Wagner, Ann [R-MO-2]; Committees: House - Ways and Means; Education and Labor

S.Res.550 — A resolution recognizing the value of the Older Americans Act Nutrition Program in addressing hunger, malnutrition, food insecurity, and social or geographic isolation and improving the health and quality of life for millions of older individuals in the United States each year; Sponsor: Sen. Casey, Robert P., Jr. [D-PA]; Committees: Senate - Health, Education, Labor, and Pensions

S.3864 — A bill to improve the pediatric mental health care access grant program; Sponsor: Sen. Murphy, Christopher [D-CT]; Committees: Senate - Health, Education, Labor, and Pensions

H.R.7116 — To provide for improvements in the implementation of the National Suicide Prevention Lifeline, and for other purposes; Sponsor: Rep. Cárdenas, Tony [D-CA-29]; Committees: House - Energy and Commerce; Ways and Means; Armed Services; Veterans' Affairs; Oversight and Reform

H.R.7121 — To require the Secretary of Health and Human Services to maintain a list of the country of origin of all drugs marketed in the United States, to ban the use of Federal funds for the purchase of drugs manufactured in the People's Republic of China, and for other purposes; Sponsor: Rep. Gallagher, Mike [R-WI-8]; Committees: House - Energy and Commerce; Ways and Means; Veterans' Affairs; Armed Services

H.R.7127 — To amend the Occupational Safety and Health Act to prohibit the Secretary from enforcing any drug or vaccine mandate, and for other purposes; Sponsor: Rep. Hartzler, Vicky [R-MO-4]; Committees: House - Education and Labor

H.R.7138 — To establish procedures to include certain foreign persons that pose a threat to the security of supply chains of Internet of Things devices on the Department of Commerce's Entity List, and for other purposes; Sponsor: Rep. Obernolte, Jay [R-CA-8]; Committees: House - Foreign Affairs; Oversight and Reform

H.R.7140 — To amend title XIX of the Social Security Act to increase the ability of Medicare and Medicaid providers to access the National Practitioner Data Bank for the purpose of conducting employee background checks; Sponsor: Rep. Rice, Tom [R-SC-7]; Committees: House - Energy and Commerce