



Health Policy Briefing

March 28, 2022

Biden Slated to Release FY23 Budget

Later today, President Joe Biden is expected to unveil his fiscal year (FY) 2023 budget request. According to various press reports, the request will include a \$1 trillion reduction in deficit spending over the next decade, generated in part by a new tax on the income and unrealized capital gains of billionaires. The elimination of pandemic assistance programs and emergency financing to state and local governments will result in a \$1.3 trillion reduction in federal spending compared to last year alone. The President’s budget proposal is not expected to include the costs or revenues stemming from the policies pursued by Democrats and the administration as a part of the now-stalled Build Back Better package, so as not to interfere with ongoing congressional negotiations on the reconciliation bill. Instead, the budget request will more broadly endorse the climate and social safety net spending and tax changes pursued as a part of the Build Back Better agenda. The President’s budget will propose a new 20% minimum tax on the income and rising asset values of the wealthiest Americans - households worth more than \$100 million. It is also expected to include funding for the White House’s *Unity Agenda*, those measures which the President believes should garner bipartisan support. Such measures include combating the opioid epidemic, expanding access to mental health care, supporting the health of veterans, and providing funding for the Cancer Moonshot Initiative and the Advanced Research Projects Agency for Health (ARPA-H).

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Democrats, Romney Consider Offsets for COVID Funding

The Senate is working to draft a new COVID-19 spending bill after the previous \$15.6 billion proposal stalled over a Democratic policy to rescind \$7 billion in aid to state and local governments to offset the legislation. Sen. Mitt Romney (R-Utah) is serving as the GOP point person in negotiations with Democrats. He stated that progress is being made on a new proposal. House Speaker Nancy Pelosi (D-Calif.) has acknowledged that the new bill will need to be larger in scope than the prior \$15.6 billion measure, given additional needs as time has passed, while also conceding that the bill will need to be offset to pass the evenly divided Senate.

Office of Management and Budget (OMB) Director Shalanda Young, outgoing White House COVID-19 response coordinator Jeff Zients, and U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra briefed Democratic senators last week on the need to approve more funding for COVID-19 response before key programs run out of money. The White House has urged that \$22.5 billion is necessary to continue the administration of vaccines, care for the uninsured, provide global coronavirus aid, and maintain supplies of COVID-19 tests and treatments. Republicans continue to demand a full accounting of how prior COVID-19 response resources before any additional emergency spending is passed.

Warnock, Collins, Shaheen Work to Craft Insulin Pricing Measure

Senate Majority Leader Chuck Schumer (D-N.Y.) stated in a press conference last week that he intends to consider bipartisan legislation to impose a \$35 price cap on insulin to be considered on the Senate floor after the two-week mid-April recess. According to Schumer, the bill will be paired with other policies to address the cost of prescription drugs, such as a proposal still under negotiation to overhaul the pharmacy benefit managers (PBM) rebate system. Schumer believes the measure “has a good chance of passing.” Sen. Raphael Warnock’s (D-Ga.) original bill would have capped out-of-pocket insulin costs for insured patients. Sens. Susan Collins (R-Maine) and Jeanne Shaheen (D-N.H.), co-chairs of the Senate Diabetes Caucus, are working to draft legislation in collaboration with Warnock (D-Ga.) that would make insulin more affordable for all patients, not just the insured.

House GOP Holds Annual Retreat

House Republicans met in Florida last week for their annual issues conference to discuss the GOP’s legislative agenda for the months leading up to November’s midterm elections. During the conference Republicans heard from the heads of the seven task forces established by Minority Leader Kevin McCarthy (R-Calif.) last June – Jobs and the Economy; Big Tech Censorship and Data; Future of American Freedoms; Energy, Climate, and Conservation; American Security; Healthy Future; and China Accountability. The Republican’s policy agenda has been termed “Commitment to America” and is expected to be finalized around August. Republicans must only net five seats to win the majority in the House of Representatives this election cycle.

CDC Responds to Request for Long COVID Data

Rep. Don Beyer’s (D-Va.) office announced that they received a briefing from the Centers for Disease Control and Prevention (CDC) in response to a request from him and Rep. Ayanna Pressley (D-Mass) to publicly release data on long COVID broken down by race, ethnicity, age, gender, previous disability, and other demographics. During the briefing, the lawmaker reportedly learned that the CDC would not have the internal dataset from which to publicly post disaggregated data for two years. The *PREVENT Pandemics Act* (S. 3799) recently advanced out of the Senate Health, Education, Labor, and Pensions (HELP) Committee included provisions directing the U.S. Department of Health and Human Services (HHS) to identify and develop tools and strategies to care for individuals with long COVID and requiring a report to Congress on related research.

Lawmakers Ask FDA to Act on E-Cigarettes

A bipartisan group of 15 senators has sent a [letter](#) to the Food and Drug Administration (FDA) calling on the agency to take steps to remove e-cigarettes from the market. The FDA was previously ordered by a U.S. District Court to complete a review of e-cigarette products by September 9, 2021, to determine whether they are a danger to public health and should be removed from the market. The FDA has still not completed its review. “Now that FDA is six months past the court deadline, these unreviewed products are only being permitted to stay on the market due to the agency exercising enforcement discretion. It makes no sense, and runs contrary to the *Tobacco Control Act’s* statutory framework, that products that have not been granted authorization are being allowed to stay on the market and attract new, young users. FDA has the authority and responsibility to halt this grace period today and restore the statutory burden of proof on manufacturers to demonstrate their product is ‘appropriate for the protection of public health’ prior to market entrance,” the letter states.

Marijuana Legislation Sees Movement in Congress

The Senate passed bipartisan legislation last week to expand medical and scientific research on marijuana and its compounds. The *Cannabidiol and Marijuana Research Expansion Act* (S. 253) would require the U.S. Department of Health and Human Services (HHS) and the National Institutes of Health (NIH) to submit a report to Congress on the potential harms and benefits of marijuana use. The House of Representatives could also vote this week on legislation (H.R. 3617) to decriminalize cannabis. The House Rules Committee is scheduled to meet on Wednesday to report a Rule for the *Marijuana Opportunity Reinvestment and Expungement (MORE) Act*.

Reps. Fortenberry and Vela to Resign

Rep. Jeff Fortenberry (R-Neb.) will resign from the House of Representatives following felony convictions on charges related to an illegal campaign contribution. His sentencing is set for June 28. Fortenberry is a member of the House Appropriations Committee. Rep. Filemon Vela (D-Texas) will also resign from Congress in the coming weeks. Vela had previously announced that he would not seek reelection this November but has now accepted a position at Akin Gump and will resign before the end of the 117th Congress. Vela serves on the Agriculture and Armed Services committees.

OSHA Schedules Hearing on Permanent COVID Standard

The Occupational Safety and Health Administration (OSHA) will hold an online public hearing on a proposed permanent regulation to protect health care workers and support service workers against occupational exposure to COVID-19 on April 27. The proposed regulation would replace the emergency temporary standard (ETS) that is no longer being enforced because the agency failed to meet the December 21, 2021, deadline for enacting a permanent regulation. OSHA has not released the details of the proposed permanent standard, but it is expected to align with the now-lapsed ETS. The ETS required facilities likely to care for coronavirus patients to establish prevention programs and enact protective measures to prevent the spread of COVID-19. OSHA is also reopening the rulemaking record to allow for comments on topics including:

- Alignment with the Centers for Disease Control and Prevention’s (CDC) recommendations for health care infection control procedures;
- Additional flexibility for employers;
- Removal of scope exemptions;
- Tailoring controls to address interactions with people with suspected or confirmed COVID-19;
- Employer support for employees who wish to be vaccinated;
- Limited coverage of construction activities in health care settings;
- COVID-19 recordkeeping and reporting provisions;
- Triggering requirements based on community transmission levels;
- The potential evolution of SARS-CoV-2 into a second novel strain; and
- The health effects and risk of COVID-19 since the ETS was issued;

The agency will accept written comments until April 22, 2022.

Psaki and Clinton Experience Breakthrough Cases of COVID-19

White House Press Secretary Jen Psaki has tested positive for COVID-19. Psaki previously tested positive for the virus in October 2021. Psaki was not considered a close contact of President Joe Biden. She canceled plans to accompany the President on a trip to Europe according to Centers for Disease Control and Prevention (CDC) guidelines. Former Secretary of State Hillary Clinton tested positive last week and has been experiencing mild symptoms.

Upcoming Congressional Hearings and Markups

House Oversight and Reform Committee hearing “Examining Pathways to Universal Health Coverage;” 9:00 a.m.; March 29

House Budget Committee hearing “The President’s Fiscal Year 2023 Budget;” 10:00 a.m.; March 29

Senate Appropriations Subcommittee on Department of Defense hearing to examine the Defense Health Program; 10:00 a.m.; March 29

Senate Banking, Housing, and Urban Affairs Committee hearing “Economic Impact of the Growing Burden of Medical Debt;” 10:00 a.m.; March 29

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

House Energy and Commerce Subcommittee on Health hearing “FDA User Fee Reauthorization: Ensuring Safe and Effective Medical Devices;” 10:00 a.m.; March 30

Senate Finance Committee hearing “Behavioral Health Care When Americans Need It: Ensuring Parity and Care Integration;” 10:00 a.m.; March 30

House Natural Resources Subcommittee on Oversight and Investigations hearing “Preventing Pandemics through US Wildlife-borne Disease Surveillance;” 10:00 a.m.; March 30

Senate Budget Committee hearing “The President’s Fiscal Year 2023 Budget Proposal;” 11:00 a.m.; March 30

House Science, Space, & Technology Subcommittee on Investigations and Oversight hearing “The New Normal: Preparing for and Adapting to the Next Phase of COVID-19;” 10:00 a.m.; March 31

House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies hearing “FY 2023 Budget Request for the Department of Health and Human Services;” 10:00 a.m.; March 31

Recently Introduced Health Legislation

H.R.7167 — To amend the Federal Food, Drug, and Cosmetic Act to make food and food additives that are sterilized using ethylene oxide or propylene oxide misbranded unless that use is disclosed on its labeling, and for other purposes. Sponsor: Rep. Newman, Marie [D-IL-3]; Committees: House - Ways and Means

H.R.7166 — To amend the Internal Revenue Code of 1986 to provide for extended expensing of pharmaceutical manufacturing property, and for other purposes. Sponsor: Rep. Mooney, Alexander X. [R-WV-2]; Committees: House - Ways and Means

H.R.7158 — To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the payment of care in non-Department of Veterans Affairs medical foster homes for certain veterans who are unable to live independently, and for other purposes. Sponsor: Rep. Higgins, Clay [R-LA-3]; Committees: House - Veterans' Affairs

H.R.7156 — To amend title XIX of the Social Security Act to provide States with an option to provide medical assistance to individuals between the ages of 22 and 64 for inpatient services to treat substance use disorders at certain facilities, and for other purposes. Sponsor: Rep. Foster, Bill [D-IL-11]; Committees: House - Energy and Commerce

H.R.7153 — To direct the Secretary of Veterans Affairs to submit to Congress a plan to modernize the information technology systems of the Veterans Benefits Administration, and for other purposes. Sponsor: Rep. Bost, Mike [R-IL-12]; Committees: House - Veterans' Affairs

H.R.7152 — To strengthen and expand activities related to genomic sequencing of pathogens, and for other purposes. Sponsor: Rep. Bera, Ami [D-CA-7]; Committees: House - Energy and Commerce

H.Res.997 — Recognizing the 100th anniversary of the American College of Surgeons Commission on Cancer and the importance of Commission on Cancer-accredited programs in ensuring comprehensive, high-quality, patient-centered cancer care. Sponsor: Rep. Higgins, Brian [D-NY-26]; Committees: House - Energy and Commerce

H.Con.Res.81 — Expressing the sense of Congress that the United States representative to the United Nations Commission on Narcotic Drugs should use the voice, vote, and influence of the United States to seek to de-schedule cannabis from Schedule I of the Single Convention on Narcotic Drugs of 1961 and take other related actions; Sponsor: Rep. Mace, Nancy [R-SC-1]; Committees: House - Foreign Affairs

H.R.7176 — To amend title 38, United States Code, to provide a burial allowance for certain veterans who die at home while in receipt of hospice care furnished by the Department of Veterans Affairs; Sponsor: Rep. Bergman, Jack [R-MI-1]; Committees: House - Veterans' Affairs

H.R.7177 — To amend the Public Health Service Act to authorize a scholarship and loan repayment program to incentivize physicians to enter into the field of sickle cell disease research and treatment, and for other purposes; Sponsor: Rep. Crist, Charlie [D-FL-13]; Committees: House - Energy and Commerce

H.R.7180 — To authorize the Director of the National Science Foundation to award grants to support research on the disruption of regular cognitive processes associated with COVID-19 infection, and for other purposes; Sponsor: Rep. Gonzalez, Anthony [R-OH-16]; Committees: House - Science, Space, and Technology

H.R.7186 — To amend title 38, United States Code, to establish an extended deadline for the submission of applications regarding emergency treatment furnished in non-Department of Veterans Affairs medical facilities, and for other purposes; Sponsor: Rep. Mast, Brian J. [R-FL-18]; Committees: House - Veterans' Affairs

H.R.7189 — To amend the 21st Century Cures Act with respect to the State Opioid Response Grants program, and for other purposes; Sponsor: Rep. Newhouse, Dan [R-WA-4]; Committees: House - Energy and Commerce

H.R.7192 — To provide for the establishment of a panel on the real world impact of diagnostic medical devices, and for other purposes; Sponsor: Rep. Schrier, Kim [D-WA-8]; Committees: House - Energy and Commerce

S.3894 — A bill to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to establish a continuous diagnostics and mitigation program in the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes; Sponsor: Sen. Cornyn, John [R-TX]; Committees: Senate - Homeland Security and Governmental Affairs

S.3897 — A bill to require the reduction of the reliance and expenditures of the Federal Government on legacy information technology systems, and for other purposes; Sponsor: Sen. Hassan, Margaret Wood [D-NH]; Committees: Senate - Homeland Security and Governmental Affairs

S.3904 — A bill to enhance the cybersecurity of the Healthcare and Public Health Sector; Sponsor: Sen. Rosen, Jacky [D-NV]; Committees: Senate - Homeland Security and Governmental Affairs

S.3910 — A bill to amend the Public Health Service Act to establish a funding program for supporting EMS organizations, and for other purposes; Sponsor: Sen. Sanders, Bernard [I-VT]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.557 — A resolution recognizing the week of March 20 through March 26, 2022 as “National Poison Prevention Week” and encouraging communities across the United States to raise awareness of the dangers of poisoning and promote poison prevention; Sponsor: Sen. Brown, Sherrod [D-OH]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.3913 — A bill to amend the Public Health Service Act with respect to public health data accessibility, and for other purposes; Sponsor: Sen. Kaine, Tim [D-VA]; Committees: Senate - Health, Education, Labor, and Pensions

S.3917 — A bill to apply the Medicaid asset verification program to all applicants for, and recipients of, medical assistance in all States and territories, and for other purposes; Sponsor: Sen. Inhofe, James M. [R-OK]; Committees: Senate – Finance

S.3927 — A bill to establish the Mental Health Excellence in Schools Program to increase the recruitment and retention of school-based mental health services providers, and for other purposes; Sponsor: Sen. Shaheen, Jeanne [D-NH]; Committees: Senate - Health, Education, Labor, and Pensions

H.J.Res.79 — Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Treasury and the Centers for Medicare & Medicaid Services relating to “Patient Protection and Affordable Care Act; Updating Payment Parameters, Section 1332 Waiver Implementing Regulations, and Improving Health Insurance Markets for 2022 and Beyond”; Sponsor: Rep. Cloud, Michael [R-TX-27]; Committees: House - Energy and Commerce; Ways and Means

H.R.7203 — To amend the Internal Revenue Code of 1986 to repeal the direct payment requirement on the exclusion from gross income of distributions from governmental plans for health and long-term care insurance, and for other purposes; Sponsor: Rep. Chabot, Steve [R-OH-1]; Committees: House - Ways and Means

H.R.7208 — 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

H.R.7213 — To amend title XVIII of the Social Security Act to provide pharmacy reimbursement for COVID-19 related and future emergency services; Sponsor: Rep. Kind, Ron [D-WI-3]; Committees: House - Energy and Commerce; Ways and Means

H.R.7225 — To amend title XVIII of the Social Security Act to prohibit hospitals from removing individuals from organ transplant lists based on vaccination status; Sponsor: Rep. Steube, W. Gregory [R-FL-17]; Committees: House - Ways and Means; Energy and Commerce

H.R.7230 — To amend the Internal Revenue Code of 1986 to expand affordability of health insurance for working families; Sponsor: Rep. Wild, Susan [D-PA-7]; Committees: House - Ways and Means