



## Health Policy Briefing

June 5, 2023

### Debt Limit Deal Signed into Law

Congress passed legislation last week to suspend the debt ceiling until 2025. Passage of the *Fiscal Responsibility Act* ([H.R. 3746](#)) ends the most significant standoff over the nation's borrowing limit since 2011. The debt ceiling deal was passed by the House of Representatives on Wednesday [314-117](#) with support from 149 Republicans, including eight hard right Freedom Caucus members, and 165 Democrats. The Senate approved the measure on Thursday in a [63-36](#) vote with support from 44 Democrats, 2 Independents, and only 17 Republicans. President Joe Biden signed the bill into law on June 3, two days before the government would have defaulted on its debt obligations in the absence of a borrowing cap extension. The Congressional Budget Office (CBO) estimates that the agreement will reduce the deficit by \$1.5 trillion through fiscal year (FY) 2033, including a \$1.3 trillion reduction in discretionary spending starting in FY 2024. The agreement includes a 1% sequester on discretionary spending which would be triggered should Congress fail to pass all FY 2024 appropriations bills. The cuts would not impact mandatory programs such as Medicare and Social Security. The compromise was the culmination of weeks of negotiations between the White House and the office of House Speaker Kevin McCarthy (R-Calif.). While it was passed with bipartisan support in both chambers of Congress, the bill was criticized by the flanks of each party for the concessions made by both Republican and Democratic leadership. The table beginning on page two summarizes the major spending and policy provisions contained in the deal.

### Inside

Durbin Urges FDA to Address Cancer Drug Shortages.....	5
Utah Representative Chris Stewart Announces Resignation.....	5
Biden Expected to Appoint Mandy Cohen to Lead CDC.....	5
96% of Americans Have Some Level of COVID-19 Immunity.....	5
Upcoming Congressional Hearings and Markups.....	6
Recently Introduced Health Legislation.....	7

## Durbin Urges FDA to Address Cancer Drug Shortages

Senate Judiciary Committee Chair Dick Durbin (D-Ill.) sent a [letter](#) to the Food and Drug Administration (FDA) last week calling on the agency to address ongoing shortages of the critical cancer medications carboplatin and cisplatin. In the letter, Durbin describes the adverse impact of drug shortages on medical research and ongoing clinical trials and discusses the widespread problems with the nation's drug and medical supply chain. In the short term, he recommends that FDA "use its authority to allow for the safe importation of these drugs from other countries, work with manufacturers to extend expiration dates—if safe and appropriate—on existing supplies of the drugs, regularly provide clear and timely updates to providers on expected timelines for additional supply, and ensure expedited inspections and reviews to assist in resolving this shortage."

## Utah Representative Chris Stewart Announces Resignation

Utah Representative Chris Stewart (R-Utah) has announced his resignation from Congress citing his wife's current health concerns. Stewart has served the second district of Utah for a decade. Before being elected to Congress in 2012, he was the CEO of the Shipley Group, a consulting firm focusing on energy and the environment. Stewart sits on the House Permanent Select Committee on Intelligence and the Appropriations Committee. He is also a member of the Judiciary Committee's Select Subcommittee on the Weaponization of the Federal Government. Stewart has said that he will step down as soon as there is an orderly transition process in place. His resignation will have a negligible impact on the chamber's balance of power given Rep. David Cicilline's (D-R.I.) departure on June 1st. Cicilline previously announced plans to leave Congress to lead the Rhode Island Foundation. Congressman Cicilline served the first district of Rhode Island for 12 years. Prior to being elected to Congress, he was the mayor of Providence for two terms. Cicilline was a member of the Judiciary Committee and the Foreign Affairs Committee.

## Biden Expected to Appoint Mandy Cohen to Lead CDC

President Joe Biden is expected to tap former North Carolina health secretary Mandy Cohen to replace the outgoing Rochelle Walensky as the next director of the Centers for Disease Control and Prevention (CDC). Walensky plans to step down from her post at the end of this month. Cohen is an internal medicine physician who served as chief of staff and later chief operations officer at the Centers for Medicare and Medicaid Services during the Obama administration. As North Carolina Department of Health and Human Services Secretary from 2017 to 2021, Cohen led the state's response to the COVID-19 pandemic. She currently works as an executive at Aledade, a private sector firm that works to support physician-led accountable care organizations and value-based care solutions. According to the Washington Post, the President will make a formal announcement of his pick later this month. The position of CDC director does not currently require Senate confirmation.

## 96% of Americans Have Some Level of COVID-19 Immunity

New [data](#) from the Centers for Disease Control and Prevention (CDC) indicates that 96% of Americans have some level of COVID-19 antibodies present in their bodies. The CDC analyzed data from blood samples of approximately 143,000 Americans ages 16 and older from July through September 2022 and found that 96% of them contained antibodies to SARS-CoV-2 from previous infection or vaccination. This figure includes 22.6% from infection alone and 26.1% from vaccination alone; 47.7% had hybrid immunity. Hybrid immunity prevalence was lowest among adults aged 65 years or older. In CDC's last analysis between April and June 2021, only 68% of blood samples contained COVID-19 antibodies.

## Upcoming Congressional Hearings and Markups

House Education and Workforce Committee markup to consider five bills, including H.R. 1147, **Whole Milk for Healthy Kids Act of 2023**, H.R. 2813, **Self-Insurance Protection Act**, H.R. 2868, **Association Health Plans Act**, and H.R. 824, **Telehealth Benefit Expansion for Workers Act of 2023**; 10:15 a.m.; June 6

House Energy and Commerce Subcommittee on Oversight and Investigations hearing “Looking Back Before Moving Forward: Assessing CDC’s Failures in Fulfilling its Mission;” 10:30 am.; June 7

Senate Judiciary Subcommittee on Intellectual Property hearing “Artificial Intelligence and Intellectual Property – Part I: Patents, Innovation, and Competition;” 3:00 p.m.; June 7

Senate Veterans’ Affairs Committee hearing “An Abiding Commitment to Those Who Served: Examining Veterans’ Access to Long Term Care;” 3:00 p.m.; June 7

Senate Finance Committee hearing “Consolidation and Corporate Ownership in Health Care: Trends and Impacts on Access, Quality, and Costs;” 10:00 a.m.; June 8

Senate Health, Education, Labor, and Pensions Committee hearing “Why Are So Many American Youth in a Mental Health Crisis? Exploring Causes and Solutions” 10:00 a.m.; June 8

Senate Judiciary Committee Executive Session to consider S. 1080, **Cooper Davis Act** to amend the **Controlled Substances Act** to require electronic communication service providers and remote computing services to report to the Attorney General certain controlled substances violations; 10:00 a.m.; June 8

House Energy and Commerce Subcommittee on Health field hearing “Addressing the Opioid Crisis: Examining the **SUPPORT Act** Five Years Later;” 9:30 a.m.; June 9

H.R.3742 — To direct the Comptroller General of the United States to evaluate the Federal Government's collection and sharing of public health data to respond to public health emergencies. Sponsor: Peters, Scott H. [Rep.-D-CA-50]; Committees: House - Energy and Commerce

H.R.3741 — To amend title X of the Public Health Service Act to prohibit funds under such title from being used for any system through which counseling or referrals are provided to individuals regarding abortion services. Sponsor: Mann, Tracey [Rep.-R-KS-1]; Committees: House - Energy and Commerce

S.1755 — A bill to amend title 10, United States Code, to extend the period during which certain survivors of a member of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces are eligible for health benefits under TRICARE Reserve Select; Sponsor: Blumenthal, Richard [Sen.-D-CT]; Committees: Senate - Armed Services

H.R.3751 — To require the Secretary of Defense to submit a report on overdoses among members of the Armed Forces; Sponsor: Moulton, Seth [Rep.-D-MA-6]; Committees: House - Armed Services

H.R.3752 — To provide for civil monetary penalties for violations of mental health parity requirements; Sponsor: Norcross, Donald [Rep.-D-NJ-1]; Committees: House - Education and the Workforce

S.Res.229 — A resolution designating May 2023 as "National Brain Tumor Awareness Month"; Sponsor: Daines, Steve [Sen.-R-MT]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.1766 — A bill to require the Secretary of Defense to submit a report on overdoses among members of the Armed Forces; Sponsor: Markey, Edward J. [Sen.-D-MA]; Committees: Senate - Armed Services

S.1767 — A bill to amend the Public Health Service Act to provide for emergency grants to safeguard essential health care workers, and for other purposes; Sponsor: Markey, Edward J. [Sen.-D-MA]; Committees: Senate - Health, Education, Labor, and Pensions

S.1769 — A bill to amend title XIX of the Social Security Act to establish a demonstration project testing Whole Child Health Models, and for other purposes; Sponsor: Carper, Thomas R. [Sen.-D-DE]; Committees: Senate - Finance

S.1773 — A bill to amend the Public Health Service Act to provide for a national outreach and education strategy and research to improve behavioral health among the Asian American, Native Hawaiian, and Pacific Islander population, while addressing stigma against behavioral health treatment among such population; Sponsor: Hirono, Mazie K. [Sen.-D-HI]; Committees: Senate - Health, Education, Labor, and Pensions

S.1774 — A bill to amend the Social Security Act to provide for an increased Federal medical assistance percentage for State expenditures on certain behavioral health services furnished under the Medicaid program, and for other purposes; Sponsor: Warnock, Raphael G. [Sen.-D-GA]; Committees: Senate - Finance

S.1784 — A bill to increase language access to behavioral health services at eligible health centers, and for other purposes; Sponsor: Heinrich, Martin [Sen.-D-NM]; Committees: Senate - Health, Education, Labor, and Pensions

S.1785 — A bill to establish programs to address addiction and overdoses caused by illicit fentanyl and other opioids, and for other purposes; Sponsor: Markey, Edward J. [Sen.-D-MA]; Committees: Senate - Health, Education, Labor, and Pensions

H.Res.459 — Expressing support for the designation of June 2, 2023, as “National Gun Violence Awareness Day” and June 2023 as “National Gun Violence Awareness Month”; Sponsor: Kelly, Robin L. [Rep.-D-IL-2]; Committees: House – Judiciary

H.Res.460 — Expressing the sense of the House of Representatives that the Congress should enact the Older Americans Bill of Rights to establish that older Americans should have the right to live with dignity and with independence; Sponsor: Schakowsky, Janice D. [Rep.-D-IL-9]; Committees: House - Education and the Workforce; Energy and Commerce; Ways and Means

H.R.3759 — To direct the Secretary of Transportation to establish a grant program to facilitate the installation, on bridges, of evidence-based suicide deterrents, including suicide prevention nets and barriers, and for other purposes; Sponsor: Beyer, Donald S., Jr. [Rep.-D-VA-8]; Committees: House - Transportation and Infrastructure

H.R.3760 — To amend title VII of the Public Health Service Act to strengthen the mental health workforce, and for other purposes; Sponsor: Carter, Troy [Rep.-D-LA-2]; Committees: House - Energy and Commerce

H.R.3761 — To amend the Social Security Act to provide for an increased Federal medical assistance percentage for State expenditures on certain behavioral health services furnished under the Medicaid program, and for other purposes; Sponsor: Castor, Kathy [Rep.-D-FL-14]; Committees: House - Energy and Commerce; Education and the Workforce

H.R.3768 — To address maternity care shortages and promote optimal maternity outcomes by expanding educational opportunities for midwives, and for other purposes; Sponsor: Hinson, Ashley [Rep.-R-IA-2]; Committees: House - Energy and Commerce

H.R.3771 — To establish a multiagency Middle School Mental Health Task Force at the Department of Education and the Department of Health and Human Services; Sponsor: Kean, Thomas H. [Rep.-R-NJ-7]; Committees: House - Education and the Workforce; Energy and Commerce

S.Res.231 — A resolution expressing support for the designation of June 2, 2023, as “National Gun Violence Awareness Day” and June 2023 as “National Gun Violence Awareness Month”; Sponsor: Durbin, Richard J. [Sen.-D-IL]; Committees: Senate – Judiciary

S.Res.232 — A resolution expressing support for the designation of May 17, 2023, as “DIPG Pediatric Brain Cancer Awareness Day” to raise awareness of, and encourage research on, diffuse intrinsic pontine glioma tumors and pediatric cancers in general; Sponsor: Rubio, Marco [Sen.-R-FL]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.Res.234 — A resolution designating May 2023 as “Older Americans Month”; Sponsor: Kelly, Mark [Sen.-D-AZ]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.Res.235 — A resolution supporting the designation of the week of May 7, 2023, as “Children’s Mental Health Awareness Week” and May 11, 2023, as “Children’s Mental Health Awareness Day”; Sponsor: King, Angus S., Jr. [Sen.-I-ME]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.1792 — A bill to amend title 38, United States Code, to modify the program of comprehensive assistance for family caregivers of veterans, and for other purposes; Sponsor: Tester, Jon [Sen.-D-MT]; Committees: Senate - Veterans’ Affairs

S.1797 — A bill to establish a demonstration program to allow States to test payment models for maternity care provided under Medicaid and the Children’s Health Insurance Program; Sponsor: Casey, Robert P., Jr. [Sen.-D-PA]; Committees: Senate – Finance

S.1798 — A bill to establish a Countering Weapons of Mass Destruction Office and an Office of Health Security in the Department of Homeland Security, and for other purposes; Sponsor: Peters, Gary C. [Sen.-D-MI]; Committees: Senate - Homeland Security and Governmental Affairs

S.1800 — A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Spectrum Disorders Prevention and Services program, and for other purposes; Sponsor: Murkowski, Lisa [Sen.-R-AK]; Committees: Senate - Health, Education, Labor, and Pensions

S.1803 — A bill to amend title XVIII of the Social Security Act to revise payment for air ambulance services under the Medicare program; Sponsor: Bennet, Michael F. [Sen.-D-CO]; Committees: Senate - Finance

H.R.3783 — To protect public health and human safety by prohibiting the farming of mink for their fur, to compensate farmers as they transition out of the industry, and for other purposes; Sponsor: Espaillat, Adriano [Rep.-D-NY-13]; Committees: House - Agriculture; Budget

H.R.3791 — To amend the Public Health Service Act with respect to public health data accessibility, and for other purposes; Sponsor: Underwood, Lauren [Rep.-D-IL-14]; Committees: House - Energy and Commerce