

2% Sequester Set for July 1

Without action from Congress, Medicare sequester cuts are scheduled to go into effect on July 1. The 2% cuts to Medicare payments triggered by federal budget sequestration were previously stalled in response to the COVID-19 pandemic. A 1% Medicare sequester cut took effect on April 1 of this year, and the cut is slated to increase to 2% on Friday.

President Signs Gun Safety Bill into Law

The Senate voted 65-33 to pass bipartisan gun safety legislation ([S. 2938](#)) last week. The bill aims to improve the national background check system, provides incentives for states to better review gun purchases by individuals aged 18 to 21, and closes the boyfriend loophole. It will also provide funding to enhance school security, strengthen mental health resources, and provide grants to states for establishing crisis intervention programs, regardless of whether they implement red-flag laws. It also includes new criminal penalties for straw purchases and gun trafficking. The House of Representatives passed the **Bipartisan Safer Communities Act** on Friday in a 234-193 vote, with 14 Republicans joining all Democrats voting in support of the measure. The legislation was signed into law by President Joe Biden on Saturday.

House Passes ARPA-H, Mental Health Legislation

The House of Representatives passed legislation ([H.R. 5585](#)) to formally authorize the Advanced Research Projects Agency for Health (ARPA-H) last week in a 336-85 vote. The bill would establish ARPA-H as an independent agency within the U.S.

Department of Health and Human Services (HHS). It would also limit the number of program offices within ARPA-H and cap its administrative costs at 15%. Congress already provided \$1 billion in funding to jumpstart the new biomedical research agency in the fiscal year (FY) 2022 omnibus appropriations package. While the White House has endorsed the bill, it has opposed provisions

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to make ARPA-H an independent operating division outside of the National Institutes of Health. It is unclear when the Senate will vote on the authorizing legislation. Earlier this year, the Senate Health, Education, Labor, and Pensions (HELP) Committee included ARPA-A authorizing language in its pandemic preparedness legislation. Congressional delegations from across the nation have already begun to press HHS to headquarter ARPA-H in their states, with Texas, Georgia, Massachusetts, and California making their case for housing the new agency.

The House also passed a sweeping mental health care bill ([H.R. 7666](#)) in a 402-20 vote last week. The ***Restoring Hope for Mental Health and Well-Being Act*** would reauthorize and expand federal mental health care and substance abuse programs through 2027 and increase access to opioid use disorder treatment by allowing doctors to prescribe buprenorphine without a waiver from the Drug Enforcement Administration. The legislation would also require nongovernmental health plans to comply with mental health parity laws. The bill's future is unclear, as the Senate Finance Committee is working to draft its own bipartisan mental health and addiction package.

Supreme Court Overturns *Roe v. Wade* and other Rulings

The U.S. Supreme Court has overturned ***Roe v. Wade***, ending the constitutional right to abortion after almost 50 years of legal precedent. Justices Samuel Alito, Clarence Thomas, Neil Gorsuch, Brett Kavanaugh, John Roberts, and Amy Coney Barrett ruled in favor of overturning *Roe*. The decision upholding a Mississippi law criminalizing abortion after 15 weeks returns the issue of abortion to the states. As many as 26 states are expected to end the right to abortion, with 13 of those states having already-established trigger laws in place. While congressional Republicans praised the decision, Democratic leadership criticized the ruling, with Senate Majority Leader Chuck Schumer (D-N.Y.) stating the decision marked “one of the darkest days our country has ever seen,” and House Speaker Nancy Pelosi (D-Calif.) characterizing it as “cruel” and “outrageous.” Other lawmakers questioned the consistency of the ruling with prior statements made by the Supreme Court justices, with Sen. Susan Collins (R-Maine) and Joe Manchin (D-W.Va.) pointing to testimony under oath made by Justices Gorsuch and Kavanaugh that *Roe* was legal precedent.

In a split 5-4 decision, the Supreme Court upheld a 2005 rule from the U.S. Department of Health and Human Services (HHS) that decreased the amount of disproportionate share hospital adjustments hospitals receive for serving a larger share of poor patients. The ruling will allow HHS to continue using its preferred method of calculating payments for hospitals that take on a disproportionate number of low-income patients.

In a split 6-3 ruling, the US Supreme Court struck down a New York law that barred most people from carrying handguns in public, ruling for the first time that the Second Amendment protects gun rights outside the home. The ruling could mean more guns in public places in some of the most populous American cities. New York was one of at least six states -- along with California, Massachusetts, New Jersey, Maryland, and Hawaii -- with laws that prevented most people from legally carrying a handgun in public.

FY23 Appropriations Update

The House Appropriations Committee advanced its Agriculture, Rural Development, Food and Drug Administration (FDA), and Related Agencies fiscal year (FY) 2023 spending bill last week on a 31-26 vote. The package includes an 8% increase in funding over current spending. The FDA would receive \$3.6 billion in discretionary spending, \$3 million more than requested in the President's FY23 budget and \$341 million above current funding. This includes a \$64 million increase to address the opioid abuse crisis and improve surveillance and oversight of drug safety and the medical supply chain. During the markup, the panel adopted an amendment from Rep. Ashley Hinson (R-Iowa) to dedicate \$15 million to support coordination between the FDA, Drug Enforcement Administration, and Customs and Border Protection to combat the illicit importation of opioids. The Committee also adopted an amendment from Rep. Ken Calvert (R-Calif.) to prohibit the FDA from reviewing drug applications by Russian pharmaceutical companies that are not for an unmet need. A summary of the bill can be found [here](#). The text of the bill, before the adoption of amendments in full Committee, can be found [here](#). The bill report, before the adoption of amendments in the full Committee, is [here](#).

The Labor-Health and Human Services-Education Subcommittee advanced its own FY23 spending legislation last week by voice vote and the full committee is scheduled to consider the package on Thursday. The spending bill would provide \$124.2 billion for the U.S. Department of Health and Human Services (HHS), \$15.6 billion above current spending, and only slightly below the President's budget request. The bill includes 1,310 [earmarks](#) totaling \$1.4 billion. A summary of the bill can be found [here](#) and the text of the draft bill [here](#).

- Health Resources and Services Administration (HRSA) – The bill includes \$9.6 billion for HRSA, an increase of \$683 million above the FY 2022 enacted level and \$792 million above the President's budget request.
- Centers for Disease Control and Prevention (CDC) – The bill includes a total of \$10.5 billion for the CDC, an increase of \$2 billion above the FY 2022 enacted level and \$231 million below the President's budget request.
- National Institutes of Health (NIH) – The bill provides a total of \$47.5 billion for NIH, an increase of \$2.5 billion above the FY 2022 enacted level.
- Substance Use And Mental Health Services Administration (SAMHSA) – The bill funds SAMHSA at \$9.2 billion – an increase of \$2.6 billion above the FY 2022 enacted level.
- Agency for Healthcare Research and Quality (AHRQ) – The bill provides \$385 million for AHRQ, an increase of \$35 million above the FY 2022 enacted level.
- Centers for Medicare & Medicaid Services (CMS) – The bill provides \$4.3 billion for CMS administrative expenses, an increase of \$322 million above the FY 2022 enacted level and equal to the President's budget request.

Top Republicans on the Appropriations panel have already signaled that they will ultimately oppose the legislation because it does not include the Hyde Amendment ban on federal spending for abortion and because of the potential impact of the bill's overall spending amount on inflation.

In the Senate, Appropriations Committee Chair Patrick Leahy (D-Vt.) announced that his panel will begin marking up its FY23 appropriations bill after the July Fourth recess. The chamber will move forward with subcommittee allocations set by Leahy because lawmakers were unable to reach a bipartisan, bicameral appropriations deal on top-line spending figures. According to Leahy, Republicans are in favor of a stopgap spending measure and are refusing to negotiate any spending increases until after the midterm elections. The House Appropriations Committee adopted 302(b) subcommittee allocations that are \$132 billion above FY2022 enacted levels, a 9% increase and in line with the \$1.6 trillion discretionary budget ceiling adopted by the chamber in May. The top-line allocations were agreed to in a 31-26 party-line vote and would provide each of the 12 annual government funding bills with an increase in FY23 over FY22. Republicans have called for a larger increase in spending for defense funding over domestic programs.

Leahy Calls for Additional COVID-19 Response Funding

Senate Appropriations Committee Chair Patrick Leahy (D-Vt.) has issued a [statement](#) on the urgent need for additional COVID-19 response funding, arguing that the nation has “robbed Peter to pay Paul” in the repurposing of \$10 billion from research for the next generation of vaccines and to sustain the testing capacity to purchase additional vaccines and therapeutics because stocks were running low. “I want to make clear that we do not have time left to act later,” Leahy writes. “This is not a problem that can be solved by flipping a switch. In order to produce the tens of millions of doses of vaccines and therapeutics necessary to prepare for a fall surge, the government and biotech companies need to begin purchasing supplies now. And the longer we wait, the further we will fall in line as other countries place their orders ahead of us.”

Senate to Vote on Bill to Cap Price of Insulin

Senate Majority Leader Chuck Schumer (D-N.Y.) stated that he will bring bipartisan legislation capping the out-of-pocket cost of insulin at \$35 per month to the Senate floor for a vote in the coming weeks. The [bill](#), which was negotiated by co-chairs of the Senate Diabetes Caucus Jeanne Shaheen (D-N.H.) and Susan Collins (R-Maine), would prohibit insurers and pharmacy benefit managers from collecting rebates on insulin from manufacturers that keep their prices below a certain level. Collins is currently the only Republican on the record in support of the proposal.

ONDCP Releases Report on Telehealth

The White House Office for National Drug Control Policy (ONDCP) has issued a [report](#) recommending the extension of expanded telehealth access for individuals with addiction. The White House asserts that flexibilities in the provision of telehealth instituted in response to the COVID-19 pandemic have reduced barriers to treatment for people with substance abuse disorder. These flexibilities are tied to the public health emergency (PHE) declaration and without congressional action will be phased out at the end of the pandemic emergency. The report outlines a plan for increasing telehealth access, recommending that Congress consider legislation to rework state licensing systems, make permanent the telehealth policies expanded in response to the PHE, and increase funding for mobile app services. The report also cautions lawmakers to consider privacy provisions in any telehealth expansion measures, given that certain privacy requirements were also waived during the PHE.

Former DARPA Head Nominated to Lead OSTP

President Joe Biden has tapped Aarti Prabhakar as the next head of the Office of Science and Technology Policy (OSTP), following the resignation of Eric Lander in February amidst reports that he mistreated his staff. If confirmed by the Senate, Prabhakar would be the first woman of color to serve in the role of the President's science adviser. Prabhakar previously worked as a Defense Advanced Research Projects Agency (DARPA) program manager from 1986 to 1993, the head of the National Institute of Standards and Technology from 1993 to 1997, and DARPA director from 2012 to 2017. She is currently chief executive of Acutate, a nonprofit that applies a DARPA-like approach to issues such as climate change, chronic disease, and machine learning.

Rep. Brooks to Retire

Rep. Mo Brooks (R-Ala.) announced his retirement from politics last week, after losing to Katie Britt in the Alabama Senate GOP primary to replace Sen. Richard Shelby (R). Britt had received the endorsement of former President Donald Trump. Brooks currently serves on the House Armed Services Committee and the Science, Space, and Technology Committee.

Rep. Jeffries Tests Positive for COVID

Rep. Hakeem Jeffries (D-N.Y.), the number four Democrat in the House of Representatives, has tested positive for COVID-19. Jeffries is vaccinated and boosted and stated that he was not symptomatic. He is currently isolating and working from home under guidance from the Office of the Attending Physician.

Upcoming Congressional Hearings and Markups

House Committee on Oversight and Reform hearing examining the 2022 National Drug Control Strategy and the Federal Response to the Overdose Crisis; 1:30 p.m.; June 27

House Energy and Commerce Subcommittee on Oversight and Investigations hearing “Protecting America’s Seniors: Oversight of Private Sector Medicare Advantage Plans;” 11:00 a.m.; June 28

House Energy and Commerce Subcommittee on Health hearing on “Investing in Public Health: Legislation to Support Patients, Workers, and Research;” 11:00 a.m.; June 29

House Science, Space, and Technology Subcommittee on Investigations and Oversight hearing “Privacy in the Age of Biometrics;” 11:00 a.m.; June 29

House Appropriations markup of FY 2023 Labor/Health and Human Services/Education Funding; 10:00 a.m.; June 30

Senate Finance Committee hearing to Consider the Nominations of Jay Curtis Shambaugh, of Maryland, to be an Under Secretary of the Treasury and Rebecca Lee Haffajee, of Massachusetts, to be an Assistant Secretary of Health and Human Services; 10:00 a.m.; July 12

Recently Introduced Health Legislation

H.R.8141 — To direct the Secretary of Defense to establish an initiative to unify efforts and programs across the Department of Defense to improve the cognitive performance and brain health of members of the Armed Forces, and for other purposes. Sponsor: Rep. Bacon, Don [R-NE-2]; Committees: House - Armed Services

S.Res.685 — A resolution designating June 26, 2022 as the “International Day against Drug Abuse and Illicit Trafficking”; Sponsor: Sen. Whitehouse, Sheldon [D-RI]; Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent

H.Res.1192 — Expressing support for the designation of June 21, 2022, as National ASK (Asking Saves Kids) Day to promote children’s health and safe storage of guns in the home; Sponsor: Rep. Cicilline, David N. [D-RI-1]; Committees: House - Energy and Commerce

H.R.8151 — To amend the Public Health Service Act with respect to awards to support community health workers and community health; Sponsor: Rep. Ruiz, Raul [D-CA-36]; Committees: House - Energy and Commerce

H.R.8152 — To provide consumers with foundational data privacy rights, create strong oversight mechanisms, and establish meaningful enforcement; Sponsor: Rep. Pallone, Frank, Jr. [D-NJ-6]; Committees: House - Energy and Commerce

H.R.8163 — To amend the Public Health Service Act with respect to trauma care; Sponsor: Rep. O’Halloran, Tom [D-AZ-1]; Committees: House - Energy and Commerce

H.R.8166 — To reauthorize the Justice and Mental Health Collaboration Program, and for other purposes; Sponsor: Rep. Scott, Robert C. “Bobby” [D-VA-3]; Committees: House – Judiciary

S.4440 — A bill to amend the Public Health Service Act to reauthorize and improve the National Breast and Cervical Cancer Early Detection Program for fiscal years 2023 through 2027, and for other purposes; Sponsor: Sen. Baldwin, Tammy [D-WI]; Committees: Senate - Health, Education, Labor, and Pensions

- S.4446 — A bill to modernize the process of accelerated approval of a drug for a serious or life-threatening disease or condition; Sponsor: Sen. Collins, Susan M. [R-ME]; Committees: Senate - Health, Education, Labor, and Pensions
- S.4448 — A bill 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: Sen. Reed, Jack [D-RI]; Committees: Senate - Health, Education, Labor, and Pensions
- S.4449 — A bill to amend title XVIII of the Social Security Act to improve the accuracy of market-based Medicare payment for clinical diagnostic laboratory services, to reduce administrative burdens in the collection of data, and for other purposes; Sponsor: Sen. Burr, Richard [R-NC]; Committees: Senate - Finance
- S.4457 — A bill to protect children from medical malpractice in the form of gender transition procedures; Sponsor: Sen. Cotton, Tom [R-AR]; Committees: Senate - Judiciary
- H.R.8169 — To establish a Rural Telehealth Access Task Force to determine how to address barriers to the adoption of telehealth technology and access to broadband internet access service in rural areas, and for other purposes; Sponsor: Rep. Pence, Greg [R-IN-6]; Committees: House - Energy and Commerce; Agriculture
- H.R.8171 — To protect children from medical malpractice in the form of gender transition procedures; Sponsor: Rep. Banks, Jim [R-IN-3]; Committees: House - Energy and Commerce; Judiciary; Education and Labor; Natural Resources; Ways and Means
- H.R.8172 — To improve the quality, appropriateness, and effectiveness of diagnosis in health care, and for other purposes; Sponsor: Rep. Beyer, Donald S., Jr. [D-VA-8]; Committees: House - Energy and Commerce
- H.R.8175 — To amend the Controlled Substances Act to prohibit certain acts related to fentanyl, analogues of fentanyl, and counterfeit substances, and for other purposes; Sponsor: Rep. Buck, Ken [R-CO-4]; Committees: House - Judiciary; Energy and Commerce
- H.R.8179 — To amend section 242 of the National Housing Act to provide parity with respect to access to the mortgage insurance for hospitals program for licensed hospitals, and for other purposes; Sponsor: Rep. Emmer, Tom [R-MN-6]; Committees: House - Financial Services
- H.R.8180 — To provide for increased authorization of funding to secure schools and improve access to mental health and crisis care; Sponsor: Rep. Gonzales, Tony [R-TX-23]; Committees: House - Energy and Commerce; Ways and Means
- H.R.8181 — To direct the Secretary of Health and Human Services to issue guidance on coverage under the Medicaid program under title XIX of the Social Security Act of certain pelvic health services furnished during the postpartum period, and for other purposes; Sponsor: Rep. Herrera Beutler, Jaime [R-WA-3]; Committees: House - Energy and Commerce
- H.R.8185 — To amend the Public Health Service Act to reauthorize and improve the National Breast and Cervical Cancer Early Detection Program for fiscal years 2023 through 2027, and for other purposes; Sponsor: Rep. Morelle, Joseph D. [D-NY-25]; Committees: House - Energy and Commerce
- H.R.8188 — To amend title XVIII of the Social Security Act to improve the accuracy of market-based Medicare payment for clinical diagnostic laboratory services, to reduce administrative burdens in the collection of data, and for other purposes; Sponsor: Rep. Pascrell, Bill, Jr. [D-NJ-9]; Committees: House - Energy and Commerce; Ways and Means

- H.R.8190 — To amend the Internal Revenue Code of 1986 to treat certain assisted reproduction expenses as medical expenses of the taxpayer; Sponsor: Rep. Schiff, Adam B. [D-CA-28]; Committees: House - Ways and Means
- S.Res.694 — A resolution expressing support for the designation of July 2022 as “National Sarcoma Awareness Month”; Sponsor: Sen. Johnson, Ron [R-WI]; Committees: Senate - Health, Education, Labor, and Pensions
- S.4461 — A bill to reauthorize the program for mental health awareness training grants, and for other purposes; Sponsor: Sen. Rosen, Jacky [D-NV]; Committees: Senate - Health, Education, Labor, and Pensions
- S.4465 — 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: Sen. Peters, Gary C. [D-MI]; Committees: Senate - Homeland Security and Governmental Affairs
- S.4467 — A bill to preserve access to abortion medications; Sponsor: Sen. Smith, Tina [D-MN]; Committees: Senate - Health, Education, Labor, and Pensions
- S.4468 — A bill to improve the quality, appropriateness, and effectiveness of diagnosis in health care, and for other purposes; Sponsor: Sen. Van Hollen, Chris [D-MD]; Committees: Senate - Health, Education, Labor, and Pensions
- S.4472 — A bill to expand the availability of mental, emotional, behavioral, and substance use disorder health services, and for other purposes; Sponsor: Sen. Casey, Robert P. [D-PA]; Committees: Senate - Health, Education, Labor, and Pensions
- S.4481 — A bill to require the Secretary of Health and Human Services to collect and disseminate information about pharmaceutical affordability assistance programs; Sponsor: Sen. Ernst, Joni [R-IA]; Committees: Senate - Health, Education, Labor, and Pensions
- S.4482 — A bill to help persons in the United States experiencing homelessness and significant behavioral health issues, including substance use disorders, by authorizing a grant program within the Department of Housing and Urban Development to assist State and local governments, Continuums of Care, community-based organizations that administer both health and homelessness services, and providers of services to people experiencing homelessness, better coordinate health care and homelessness services, and for other purposes; Sponsor: Sen. Padilla, Alex [D-CA]; Committees: Senate - Banking, Housing, and Urban Affairs
- S.4486 — A bill to improve the health of minority individuals, and for other purposes; Sponsor: Sen. Booker, Cory A. [D-NJ]; Committees: Senate - Finance
- S.4498 — A bill to expand the availability of mental, emotional, and behavioral health services under the Medicaid program, and for other purposes; Sponsor: Sen. Casey, Robert P. [D-PA]; Committees: Senate - Finance
- H.R.8197 — To authorize Department of Veterans Affairs health care providers to provide recommendations and opinions to veterans regarding participation in State marijuana programs; Sponsor: Rep. Blumenauer, Earl [D-OR-3]; Committees: House - Veterans' Affairs
- H.R.8201 — To amend title XVIII of the Social Security Act to increase funding for quality measure endorsement, input, and selection under the Medicare program, and for other purposes; Sponsor: Rep. Chu, Judy [D-CA-27]; Committees: House - Ways and Means; Energy and Commerce
- H.R.8202 — To amend the Federal Food, Drug, and Cosmetic Act to require a recall of electronic nicotine delivery systems that have not been subject to premarket review, and for other purposes; Sponsor: Rep. DeSaulnier, Mark [D-CA-11]; Committees: House - Energy and Commerce