



Health Policy Briefing

December 6, 2021

Government Funding Extended Through Feb. 18

President Joe Biden signed legislation (H.R. 6119) passed by Congress last week to fund the federal government through February 18 ahead of the December 3 expiration of the prior stopgap spending bill. The continuing resolution (CR) extends current program funding levels with very few exceptions. It also extends the temporary scheduling of fentanyl-like substances as Schedule 1 under the Controlled Substances Act. Lawmakers hope the February 18 deadline provides enough time to negotiate the 12 annual appropriations bills for the fiscal year that started on October 1, though little progress appears to have been made on disagreements surrounding total funding levels or abortion policy.

Passage of the CR occurred after the Senate struck a deal to allow a vote on an amendment by Sens. Roger Marshall (R-Kan.) and Mike Lee (R-Utah) to defund the White House vaccine mandate for employers. A group of conservatives led by Sen. Lee had previously threatened to shut down the government if funding for the mandate was kept intact. The amendment failed by a 48-50 vote. Republicans still intend to force a vote on a resolution of disapproval (S.J.Res.29) to overturn the vaccine mandate regulation in the coming days. Sen. Joe Manchin (D-W.Va.) announced last week that he strongly supports the Congressional Review Act (CRA) resolution sponsored by Sen. Mike Braun (R-Ind.), giving the measure enough votes to pass the Senate. It remains unlikely, however, that the resolution will have enough support to pass the Democratic-controlled House.

In previewing the House schedule for the coming week, House Majority Leader Steny Hoyer (D-Md.) highlighted possible consideration of legislation related to the debt limit as well as legislation related to end of the year health care provisions. The latest stopgap spending measure did not include any provisions to avert impending cuts to Medicare reimbursements stemming from mandatory sequestration, statutory pay-as-you-go (PAYGO) requirements, or cuts to the Medicare Physician Fee Schedule. Both the Congressional Budget Office (CBO) and Treasury Secretary Janet Yellen have projected that the federal government could run out of cash by mid-December if Congress fails to raise the debt limit. Senate Minority Leader Mitch McConnell (R-Ky.) has offered assurances that the U.S. will not breach the debt ceiling, stating that he is in talks

Inside

- House Passes Several Health Bills.....2
- Senate Dems, Parliamentarian Meet to Discuss Build Back Better.....2
- Sanders Asks White House to Curb Medicare Premium Increase.....2
- Bob Dole Passes Away at 98.....2
- DeFazio to Retire.....3
- Woodcock Reportedly Offered Leadership Post at FDA..3
- HHS Report Shows Drastic Increase in Telehealth Usage.....3
- Number of Omicron Cases Expected to Rise.....3
- Upcoming Congressional Hearings and Markups.....3
- Recently Introduced Health Legislation.....4

with Majority Leader Chuck Schumer (D-N.Y.) on a path forward. Democrats are also working to complete consideration of the must-pass **National Defense Authorization Act** (NDAA) (H.R. 4350) before the end of the year.

House Passes Several Health Bills

The House of Representatives passed a slate of health care related bills last week. The **Immunization Infrastructure Modernization Act** (H.R. 550) aims to support public health surveillance by improving data sharing for records of vaccination. The **PREVENT HPV Cancers Act** (H.R. 1550) would authorize a public education campaign to raise awareness of human papillomavirus (HPV) vaccination in the U.S. Finally, the **Social Determinants of Health Data Analysis Act** (H.R. 4026) would require the Comptroller General to submit a report to Congress on actions taken by the U.S. Department of Health and Human Services (HHS) to address social determinants of health. Additional health bills are included on the list of bills for possible consideration by the House this week, including the **Accelerating Access to Critical Therapies for ALS Act** (H.R. 3537), **Dr. Lorna Breen Health Care Provider Protection Act** (H.R. 1667), **Oral Health Literacy and Awareness Act** (H.R. 4555), **Opioid Prescription Verification Act** (H.R. 2355), and the **CARING for Social Determinants Act** (H.R. 3894).

Senate Dems, Parliamentarian Meet to Discuss Build Back Better

The Senate parliamentarian will meet with Democrats on Monday to review the health care provisions contained in the **Build Back Better** reconciliation package. Sometime following this meeting, the parliamentarian will hold a meeting with lawmakers of both parties. It is at this point in which Republicans are expected to challenge certain provisions of the bill, including the plan's drug pricing proposal to penalize manufacturers who raise prices faster than inflation. While many Democrats continue to argue that Congress should send the bill to the President's desk this month, many expect action on the reconciliation bill to drag into next year.

Sanders Asks White House to Curb Medicare Premium Increase

Sen. Bernie Sanders (I-Vt.) has sent a [letter](#) to the White House asking the administration to mitigate the impact of a forthcoming Medicare premium hike tied to the new Alzheimer's treatment Aduhelm, priced at \$56,000 annually. Medicare's Part B premium for outpatient care is set to increase by \$21.60 a month starting in January, the largest historical increase in dollar terms. "Biogen's \$56,000 price of Aduhelm is the poster child for how dysfunctional our prescription drug pricing system has become," Sanders writes. "The notion that one pharmaceutical company can raise the price of one drug so much that it could negatively impact 57 million senior citizens and the future of Medicare is beyond absurd. With Democrats in control of the White House, the House and the Senate we cannot let that happen."

Bob Dole Passes Away at 98

Former Senate Majority Leader and presidential candidate Bob Dole passed away Sunday morning at age 98. His personal and professional accomplishments are numerous. He served his country for 79 years, starting with his service during World War II, for which he received two Purple Hearts, followed by a long career in the Congress. He championed many health issues that improved care and access for many, including the Americans with Disabilities Act, protection and advocacy for the mentally ill, prostate cancer awareness and men's health legislation, wounded warriors, and long-term care (including the PACE program). Senator Dole and President Ronald Reagan urged Congress to include hospice services in the Medicare program. Senator Dole then worked to establish the Medicare Hospice Benefit, first in 1982 as a temporary benefit, and then in 1986 when it became permanent, as well as provided states the option to include hospice in state Medicaid programs. Dole was known for his bipartisanship and is a co-founder of the Bipartisan Policy Center in Washington, DC. For those who worked alongside him, he was known for his smart wit. He used to joke that he knew there was a nurse shortage, but he didn't have one since he had two nurses on his staff – Sheila Burke and Vicki Hart. Vicki Hart, founder of Hart Health Strategies, worked with Senator Dole during his time as majority leader and after they both left the Senate. "It was a privilege to work with Leader Dole to successfully advance sound health policy that helped so many," said Vicki Hart. "He will be forever missed in the United States Senate."

DeFazio to Retire

Rep. Peter DeFazio (D-Ore.) announced that he will not seek reelection next year after 36 years in Congress. DeFazio has been the top Democrat on the House Committee on Transportation and Infrastructure since 2015. He is the 19th House Democrat to announce plans to retire in 2022.

Woodcock Reportedly Offered Leadership Post at FDA

President Joe Biden's nominee for Commissioner of Food and Drugs Robert Califf has asked Janet Woodcock to remain at the agency in a leadership position should he be confirmed by the Senate. Woodcock has served as the Food and Drug Administration's (FDA) acting commissioner for the last 11 months, having previously worked as the head of the Center for Drug Evaluation and Research (CDER). The role of principal deputy commissioner has been vacant since Amy Abernethy's departure in April. A confirmation hearing for Califf has not yet been scheduled by the Senate Health, Education, Labor, and Pensions (HELP) Committee. However, HELP Committee Patty Murray (D-Wash.) has announced her support for the nominee and said they are working to schedule a hearing as soon as possible.

HHS Report Shows Drastic Increase in Telehealth Usage

A new report released by the U.S. Department of Health and Human Services (HHS) indicates that the number of Medicare telehealth visits increased significantly from 840,000 in 2019 to 52.7 million in 2020, while in-person visits to health care providers decreased by 11%. Ninety-two percent of telehealth visits took place in the beneficiary home, with the highest rates of telehealth usage occurring amongst white and urban beneficiaries, particularly those in the Northeast and West. The full report from the Assistant Secretary for Planning and Evaluation (ASPE) can be found [here](#).

Number of Omicron Cases Expected to Rise

More than 16 states have reported cases of individuals testing positive for the omicron variant of the coronavirus that was first detected in South Africa. Some patients who have tested positive have had no travel history, suggesting that community transmission of the variant is well-underway in the U.S. Many of the people who have tested positive were fully vaccinated and have thus far only experienced mild symptoms. Public health officials believe omicron is more transmissible than the delta variant and are working to determine whether it better evades immune protection from vaccines or causes more severe disease than other variants.

Upcoming Congressional Hearings and Markups

House Science, Space, and Technology Subcommittee on Environment hearing "Forever Chemicals: Research and Development for Addressing the PFAS Problem;" 10:00 a.m.; December 7

House Foreign Affairs Subcommittee on Asia, the Pacific, Central Asia, and Nonproliferation hearing "Biosecurity for the Future: Strengthening Deterrence and Detection;" 10:00 a.m.; December 8

House Energy and Commerce Subcommittee on Health hearing "The Future of Biomedicine: Translating Biomedical Research into Personalized Health Care;" 10:30 a.m.; December 8

Senate Veterans' Affairs Committee hearing to consider the nomination of Kurt D. DelBene to be Assistant Secretary of Veterans Affairs for Information and Technology; 3:00 p.m.; December 8

Senate Homeland Security and Governmental Affairs Committee hearing "Examining Federal Efforts to Address PFAS Contamination;" 10:15 a.m.; December 9

House Oversight and Reform Committee hearing "Unsustainable Drug Prices: Findings from the Committee's Drug Pricing Investigation and the Need for Structural Reforms;" 10:30 a.m.; December 9

Recently Introduced Health Legislation

S.Res.461 — A resolution commemorating and supporting the goals of World AIDS Day; Sponsor: Sen. Booker, Cory [D-NJ]; Committees: Senate - Foreign Relations

S.Res.462 — A resolution designating November 2021 as “National Lung Cancer Awareness Month” and expressing support for early detection and treatment of lung cancer; Sponsor: Sen. Smith, Tina [D-MN]; Latest Action: Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

S.Res.463 — A resolution expressing support for the goals of Stomach Cancer Awareness Month; Sponsor: Sen. Young, Todd [R-IN]; Latest Action: Submitted in the Senate, considered, and agreed to without amendment and with a preamble by Unanimous Consent.

H.Res.824 — Recognizing the 75th anniversary of United Spinal Association, a leading national advocacy organization that is dedicated to promoting the independence and enhancing the quality of life of all people living with spinal cord injuries and neurological disorders, including veterans, and providing support and information to their loved ones, care providers, and personal support networks; Sponsor: Rep. Meng, Grace [D-NY-6]; Committees: House - Energy and Commerce

H.R.6087 — To amend chapter 81 of title 5, United States Code, to cover, for purposes of workers’ compensation under such chapter, services by physician assistants and nurse practitioners provided to injured Federal workers, and for other purposes; Sponsor: Rep. Courtney, Joe [D-CT-2]; Committees: House - Education and Labor

H.R.6094 — To amend title 10, United States Code, to provide for the coverage of assisted reproductive technology services under the TRICARE program, and for other purposes; Sponsor: Rep. Strickland, Marilyn [D-WA-10]; Committees: House - Armed Services

S.3290 — A bill to establish a National Manufacturing Extension Partnership Supply Chain Database, and for other purposes; Sponsor: Sen. Menendez, Robert [D-NJ]; Committee on Commerce, Science, and Transportation.

S.3291 — A bill to amend the Public Health Service Act to enhance efforts to address antibiotic resistance, and for other purposes; Sponsor: Sen. Brown, Sherrod [D-OH]; Committee on Health, Education, Labor, and Pensions.

S.3293 — A bill to expand access of veterans to mental health care from the Department of Veterans Affairs, and for other purposes; Sponsor: Sen. Tester, Jon [D-MT]; Committee on Veterans’ Affairs

S.3295 — A bill to increase access to pre-exposure prophylaxis to reduce the transmission of HIV; Sponsor: Sen. Smith, Tina [D-MN]; Committee on Health, Education, Labor, and Pensions

S.3299 — A bill to prohibit the Department of Defense from discharging or withholding pay or benefits from members of the National Guard based on COVID-19 vaccination status; Sponsor: Sen. Lankford, James [R-OK]; Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time

H.R.6101 — To amend title XIX of the Social Security Act to improve transparency and prevent the use of abusive spread pricing and related practices in the Medicaid program; Sponsor: Rep. Carter, Earl L. “Buddy” [R-GA-1]; Committees: House - Energy and Commerce

H.R.6102 — To ensure that claims for benefits under the Black Lung Benefits Act are processed in a fair and timely manner, to better protect miners from pneumoconiosis (commonly known as “black lung disease”), and for other purposes; Sponsor: Rep. Cartwright, Matt [D-PA-8]; Committees: House - Education and Labor; Ways and Means

H.R.6105 — To terminate the public health emergency with respect to COVID-19 on December 25, 2021; Sponsor: Rep. Gohmert, Louie [R-TX-1]; Committees: House - Energy and Commerce

H.R.6106 — To amend title III of the Public Health Service Act to terminate the effective time period for immunity for manufacturers of COVID-19 vaccines, and for other purposes; Sponsor: Rep. Gooden, Lance [R-TX-5]; Committees: House - Energy and Commerce

H.R.6111 — To modernize laws and policies, and eliminate discrimination, with respect to people living with HIV/AIDS, and for other purposes; Sponsor: Rep. Lee, Barbara [D-CA-13]; Committees: House - Judiciary; Energy and Commerce; Armed Services

H.R.6113 — To amend the Fair Labor Standards Act of 1938 to prohibit employers from inquiring about vaccination status, and for other purposes; Sponsor: Rep. Mast, Brian J. [R-FL-18]; Committees: House - Education and Labor

H.R.6117 — To increase access to pre-exposure prophylaxis to reduce the transmission of HIV; Sponsor: Rep. Schiff, Adam B. [D-CA-28]; Committees: House - Energy and Commerce; Oversight and Reform; Ways and Means; Veterans' Affairs; Armed Services; Natural Resources; Financial Services

H.R.6118 — To establish a National Manufacturing Extension Partnership Supply Chain Database, and for other purposes; Sponsor: Rep. Torres, Norma J. [D-CA-35]; Committees: House - Science, Space, and Technology

S.3301 — A bill to prohibit discrimination on the basis of mental or physical disability in cases of organ transplants; Sponsor: Sen. Rubio, Marco [R-FL]; Committees: Senate - Health, Education, Labor, and Pensions

S.3304 — A bill to amend title 38, United States Code, to improve the ability of veterans to electronically submit complaints about the delivery of health care services by the Department of Veterans Affairs; Sponsor: Sen. Kennedy, John [R-LA]; Committees: Senate - Veterans' Affairs

H.R.6119 — Making further continuing appropriations for the fiscal year ending September 30, 2022, and for other purposes; Sponsor: Rep. DeLauro, Rosa L. [D-CT-3]; Committees: House - Appropriations; Budget

H.R.6133 — To require the Commissioner of Food and Drugs to make available for public inspection all records of information submitted to the Food and Drug Administration in conjunction with authorizing the emergency use of, or licensing, a COVID-19 vaccine; Sponsor: Rep. Norman, Ralph [R-SC-5]; Committees: House - Energy and Commerce

H.R.6134 — To authorize the regulation of interstate commerce with respect to food containing cannabidiol derived from hemp, and for other purposes; Sponsor: Rep. Rice, Kathleen M. [D-NY-4]; Committees: House - Energy and Commerce