



## Health Policy Briefing

May 30, 2023

### Biden, McCarthy Reach Deal on Debt Ceiling

President Joe Biden and House Speaker Kevin McCarthy (R-Calif.) have reached a deal to avert a U.S. default on its debt obligations and suspend the debt ceiling through January 2025. The agreement – dubbed the [Fiscal Responsibility Act](#) – caps non-defense spending, keeping it roughly flat in 2024 and increasing it by just 1% in 2025. It includes a penalty if Congress fails to pass fiscal year (FY) 2024 appropriations legislation, imposing a 1% across the board cut if the bills are not passed. The compromise also expands work requirements in the Supplemental Nutrition Assistance Program from up to age 49 under current law to age 54. The more stringent work requirements would sunset in 2030 without further action by Congress.

The deal was crafted by Office of Management and Budget Director Shalanda Young, White House senior adviser Steve Ricchetti, White House legislative affairs director Louisa Terrell, Rep. Garret Graves (R-La.), Rep. Patrick McHenry (R-N.C.), and the Speaker’s chief of staff Dan Meyer. The House of Representatives will return to session during a planned Memorial Day recess. The House Rules Committee will consider the bill on Tuesday afternoon and McCarthy is expected to bring the bill for a vote on the House floor on Wednesday. Both Republican and Democratic leadership have indicated that there is enough support to pass the deal. If the package is sent to the Senate on Wednesday, the chamber could then vote on the bill as early as Saturday morning (June 3), unless members agree to advance the measure via unanimous consent. The Treasury is projected to run out of cash reserves on June 5.

In related news, the House Appropriations Committee [postponed](#) the markup of four FY 2024 appropriations bills last week, citing the then ongoing debate on the debt limit. Chair Kay Granger (R-Texas) stated that she wished to give Speaker McCarthy “maximum flexibility” as he engaged in debt ceiling negotiations with the White House. The panel was scheduled to mark up the Agriculture-Rural Development-Food and Drug Administration spending package last Wednesday. The Senate Appropriations Committee previously [announced](#) plans to consider funding bills starting in June.

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## House Passes WH-Endorsed Fentanyl Bill

The House of Representatives passed the **HALT Fentanyl Act** ([H.R. 467](#)) last week. The bill would make permanent the temporary scheduling of fentanyl-related substances (FRS) as Schedule I substances, which are subject to heightened regulatory and law enforcement. The temporary scheduling of FRS is set to expire at the end of 2024. The bill would cover those substances with a high potential for abuse and no currently accepted medical use; medical-grade fentanyl would continue to be a Schedule II substance. Seventy-four Democrats joined Republicans in support of the measure, which was also endorsed by the White House. Other Democrats, however, including House Energy and Commerce Committee Ranking Member Frank Pallone (D-N.J.), criticized the legislation and raised concerns about its potential to exacerbate inequities in the criminal justice system and the possible implications for FRS that are found that have medical applications.

## E&C Advances Six Health Bills

The House Energy and Commerce Committee advanced nineteen bills last week, including legislation to overhaul the nation's organ donation system and to reform pharmacy benefit manager (PBM) practices. The panel advanced the six following health bills out of committee:

- [H.R. 1418](#), the **Animal Drug User Fee Amendments of 2023** was favorably reported to the House by a bipartisan vote of 49-0.
- [H.R. 2544](#), the **Securing the U.S. Organ Procurement and Transplantation Network Act** was favorably reported to the House by a bipartisan vote of 48-0.
- [H.R. 2666](#), the **Medicaid VBPs for Patients (MVP) Act** was reported favorably to the House by a bipartisan vote of 31-19.
- [H.R. 3284](#), the **Providers and Payers COMPETE Act** was reported favorably to the House by a bipartisan vote of 49-0.
- [H.R. 3290](#), To amend title III of the Public Health Service Act to ensure transparency and oversight of the 340B drug discount program, was favorably reported to the House by a vote of 29-22.
- [H.R. 3561](#), the **Promoting Access to Treatments and Increasing Extremely Needed Transparency Act of 2023** or the **PATIENT Act of 2023** was favorably reported to the House by a bipartisan vote of 49-0. The bill was amended to include [H.R. 3285](#), the **Fairness for Patient Medications Act**.

## Select COVID-19 Subcommittee Probes NIH Funding to Chinese Lab

House Select Subcommittee on the Coronavirus Crisis Pandemic Chairman Brad Wenstrup (R-Ohio) has sent a [letter](#) to the National Institutes of Health (NIH) requesting information on its 2020 decision to cut funding for the Wuhan Institute of Virology (WIV). According to a letter obtained by the panel, the NIH informed the University of California, Irvine in May 2020 that it would be terminating the subgrant funding to the Chinese laboratory because its research posed "serious bio-safety concerns." Wenstrup blames the agency for publicly obscuring its support for the work of the WIV, which some suspect is the origin of the COVID-19 pandemic, while privately acknowledging the safety concerns posed by the research.

## CBO Releases Latest Health Coverage Projections

The Congressional Budget Office (CBO) released updated [projections](#) last week of health insurance coverage for people under age 65 over the next decade. The share of Americans under age 65 who are uninsured is currently at a historic low of 8.3%, which CBO attributes to temporary policies instituted in response to the COVID-19 pandemic, including continuous coverage provisions in state Medicaid programs and enhanced premium subsidies in the **Affordable Care Act's** individual marketplace. CBO's analysis indicates that more than six million people will lose their health insurance coverage following the end of these COVID-era policies. While the nation's uninsured rate will remain below pre-pandemic levels, it is expected to rise from 8.3% to 10.1% in 2033.

## Longtime Delaware Senator Carper to Retire in 2024

Sen. Tom Carper (D-Del.), 76, announced last week that he will not run for reelection in 2024. Carper has served for over 20 years in the Senate. Prior to this time, he served as the governor of Delaware and as the state's sole representative in the U.S. House for five terms. He currently sits on the Environment and Public Works, Finance, and Homeland Security and Governmental Affairs committees. He is the fourth Democratic senator – along with Dianne Feinstein (Calif.), Debbie Stabenow (Mich.), and Ben Cardin (Md.) – to announce his retirement from the chamber. Carper has endorsed Rep. Lisa Blunt Rochester (D-Del.) to succeed him. Blunt Rochester has indicated that she is interested in running for the seat but has not officially announced her candidacy.

## CMS Releases Updated FAQ on PHE Unwinding

The Centers for Medicare and Medicaid Services (CMS) released an updated frequently asked questions [document](#) last week on the end of the COVID-19 public health emergency (PHE) indicating that the Medicare program will no longer cover telehealth services provided by hospital-based physical and occupational therapists and speech language pathologists beyond 2023. CMS states that it will exercise discretion through the end of this year to continue paying for outpatient therapy provided via telehealth billed from institutional providers. The agency did not specify for how long skilled nursing facilities and home health agencies could continue to bill for telehealth therapy services. The most recent omnibus spending bill delinked Medicare telehealth access from the PHE declaration, extending reimbursement for certain telehealth services through 2024.

## Upcoming Congressional Hearings and Markups

House Rules Committee meeting to consider the Fiscal Responsibility Act of 2023; 3:00 p.m.; May 30

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, and S. 474, *REPORT Act*; 10:00 a.m.; June 1

H.Res.434 — Declaring a mental health crisis among youth in the United States, and expressing the pressing need for historic investments in mental health care for students; Sponsor: Moulton, Seth [Rep.-D-MA-6]; Committees: House - Energy and Commerce; Education and the Workforce

H.Res.436 — Expressing support for the designation of the week of May 22 through 26, 2023, as “Educator Mental Health Awareness Week”; Sponsor: Trone, David J. [Rep.-D-MD-6]; Committees: House - Education and the Workforce

H.R.3561 — To promote hospital and insurer price transparency, and for other purposes; Sponsor: McMorris Rodgers, Cathy [Rep.-R-WA-5]; Committees: House - Energy and Commerce; Ways and Means; Education and the Workforce

H.R.3570 — To provide public awareness and outreach regarding the dangers of fentanyl, to expand the grants authorized under the Comprehensive Opioid Abuse Grant Program, to expand treatment and recovery services for people with opioid addictions, and to increase and to provide enhanced penalties for certain offenses involving counterfeit pills; Sponsor: Jackson Lee, Sheila [Rep.-D-TX-18]; Committees: House - Energy and Commerce; Judiciary

H.R.3577 — To require the Assistant Secretary for Preparedness and Response to establish an automated supply chain tracking application that provides near real-time insight into the amount of critical medical and health supplies available in the Strategic National Stockpile; Sponsor: Hudson, Richard [Rep.-R-NC-9]; Committees: House - Energy and Commerce

H.R.3581 — To amend title 38, United States Code, to modify the family caregiver program of the Department of Veterans Affairs to include services related to mental health and neurological disorders, and for other purposes; Sponsor: Kiggans, Jennifer A [Rep.-R-VA-2]; Committees: House - Veterans’ Affairs

H.R.3583 — To provide for the overall health and well-being of young people, including the promotion and attainment of lifelong sexual health and healthy relationships, and for other purposes; Sponsor: Lee, Barbara [Rep.-D-CA-12]; Committees: House - Education and the Workforce; Energy and Commerce

H.R.3584 — To direct the Secretary of Veterans Affairs to conduct and support research on the efficacy and safety of medicinal cannabis, and for other purposes; Sponsor: Miller-Meeks, Mariannette [Rep.-R-IA-1]; Committees: House - Veterans’ Affairs

H.R.3589 — To require group health plans and group or individual health insurance coverage to provide coverage for over-the-counter contraceptives; Sponsor: Pressley, Ayanna [Rep.-D-MA-7]; Committees: House - Energy and Commerce; Education and the Workforce; Ways and Means

H.Con.Res.48 — Condemning the Chinese Communist Party for the Wuhan Lab “leak” causing the deadly COVID-19 pandemic; Sponsor: Santos, George [Rep.-R-NY-3]; Committees: House - Foreign Affairs

H.R.3613 — To amend title XXVIII of the Public Health Service Act to eliminate the sunset of authority to make certain appointments for National Disaster Medical System, and for other purposes; Sponsor: Schrier, Kim [Rep.-D-WA-8]; Committees: House - Energy and Commerce

H.R.3616 — To direct the Administrator of the Federal Aviation Administration to include medications and medical equipment for the emergency treatment of known or suspected opioid overdose in aircraft emergency medical kits, and for other purposes; Sponsor: Trone, David J. [Rep.-D-MD-6]; Committees: House - Transportation and Infrastructure

H.R.3617 — To amend title 10, United States Code, to expand the authority to provide a wig and treat traction alopecia under the TRICARE program, and for other purposes; Sponsor: Watson Coleman, Bonnie [Rep.-D-NJ-12]; Committees: House - Armed Services

- H.R.3619 — To amend the Federal Food, Drug, and Cosmetic Act to ban certain substances in cosmetic products, and for other purposes; Sponsor: Schakowsky, Janice D. [Rep.-D-IL-9]; Committees: House - Energy and Commerce
- H.R.3620 — To amend the Public Health Service Act with respect to cosmetic safety, with an emphasis on communities of color and professional salon workers, and for other purposes; Sponsor: Schakowsky, Janice D. [Rep.-D-IL-9]; Committees: House - Energy and Commerce; Education and the Workforce
- H.R.3621 — To amend title VI of the Federal Food, Drug, and Cosmetic Act to provide for greater transparency with respect to fragrance and flavor ingredients in cosmetics, and for other purposes; Sponsor: Schakowsky, Janice D. [Rep.-D-IL-9]; Committees: House - Energy and Commerce
- H.R.3622 — To amend title VI of the Federal Food, Drug, and Cosmetic Act to ensure the supply chain transparency needed for companies to make safe cosmetics, and for other purposes; Sponsor: Schakowsky, Janice D. [Rep.-D-IL-9]; Committees: House - Energy and Commerce
- H.R.3623 — To amend title XVIII of the Social Security Act to establish a national graduate nurse education program; Sponsor: Underwood, Lauren [Rep.-D-IL-14]; Committees: House - Ways and Means; Energy and Commerce
- H.R.3629 — To amend the Controlled Substances Act to list fentanyl-related substances as schedule I controlled substances, and for other purposes; Sponsor: Buchanan, Vern [Rep.-R-FL-16]; Committees: House - Energy and Commerce; Judiciary
- H.R.3631 — To amend the Public Health Service Act to extend the authorization of appropriations for grants for State strategic stockpiles; Sponsor: Carter, Earl L. “Buddy” [Rep.-R-GA-1]; Committees: House - Energy and Commerce
- H.R.3633 — To amend the Public Health Service Act to provide for a public awareness campaign with respect to human papillomavirus, and for other purposes; Sponsor: Castor, Kathy [Rep.-D-FL-14]; Committees: House - Energy and Commerce
- H.R.3635 — To amend title XVIII of the Social Security Act to ensure fairness in Medicare hospital payments by establishing a floor for the area wage index applied with respect to certain hospitals; Sponsor: Ferguson, A. Drew, IV [Rep.-R-GA-3]; Committees: House - Ways and Means; Energy and Commerce
- H.R.3641 — To direct the Secretary of Veterans Affairs to rescind guidelines and ensure the removal of signs and guidance relating to the COVID-19 pandemic; Sponsor: Jackson, Ronny [Rep.-R-TX-13]; Committees: House - Veterans’ Affairs
- H.R.3644 — To amend title 38, United States Code, to extend the authorization period for emergency treatment in non-Department of Veterans Affairs medical facilities under the Veterans Community Care Program; Sponsor: Latta, Robert E. [Rep.-R-OH-5]; Committees: House - Veterans’ Affairs
- H.R.3645 — To amend the Public Health Service Act to establish emergency grants to safeguard essential health care workers, and for other purposes; Sponsor: Lee, Summer L. [Rep.-D-PA-12]; Committees: House - Energy and Commerce
- H.R.3649 — To direct the Secretary of Veterans Affairs to establish a pilot program to furnish hyperbaric oxygen therapy to a veteran who has a traumatic brain injury or post-traumatic stress disorder; Sponsor: Murphy, Gregory [Rep.-R-NC-3]; Committees: House - Veterans’ Affairs
- H.R.3659 — To amend the Public Health Service Act to provide for a demonstration program to facilitate the clinical adoption of pregnancy intention screening initiatives by health care and social service providers; Sponsor: Bonamici, Suzanne [Rep.-D-OR-1]; Committees: House - Energy and Commerce

- H.R.3664 — To prohibit the availability of Federal funds to the World Health Organization pending the conduct of an investigation relating to the influence over such organization by Chinese Communist Party, and for other purposes; Sponsor: Santos, George [Rep.-R-NY-3]; Committees: House - Foreign Affairs
- H.R.3668 — To amend title 10, United States Code, to improve the TRICARE program for certain members of the Retired Reserve of the reserve components; Sponsor: Johnson, Bill [Rep.-R-OH-6]; Committees: House - Armed Services
- H.R.3669 — To amend the Elementary and Secondary Education Act of 1965 to improve mental health services for students, and for other purposes; Sponsor: Allen, Rick W. [Rep.-R-GA-12]; Committees: House - Education and the Workforce
- H.R.3671 — To require the Secretary of Health and Human Services to improve the detection, prevention, and treatment of mental health issues among public safety officers, and for other purposes; Sponsor: Bera, Ami [Rep.-D-CA-6]; Committees: House - Energy and Commerce; Science, Space, and Technology
- H.R.3674 — To amend title XVIII of the Social Security Act to increase the nonfacility practice expense relative value units for specified services furnished under the Medicare program; Sponsor: Bilirakis, Gus M. [Rep.-R-FL-12]; Committees: House - Energy and Commerce; Ways and Means
- H.R.3677 — To direct the Comptroller General of the United States to conduct reviews of certain budget requests of the President for the medical care accounts of the Department of Veterans Affairs; Sponsor: Brownley, Julia [Rep.-D-CA-26]; Committees: House - Veterans' Affairs
- H.R.3679 — To direct the Administrator of the Federal Aviation administration to develop an interagency task force to develop and implement a strategy to identify and advance research on communicable diseases in air travel, and for other purposes; Sponsor: Cherfilus-McCormick, Sheila [Rep.-D-FL-20]; Committees: House - Science, Space, and Technology
- H.R.3680 — To amend the Public Health Service Act to provide for a national outreach and education strategy and research to improve the behavioral and mental health of the Asian American, Native Hawaiian, and Pacific Islander population, while addressing stigma within such population against behavioral and mental health treatment; Sponsor: Chu, Judy [Rep.-D-CA-28]; Committees: House - Energy and Commerce
- H.R.3682 — To amend the Public Health Service Act to authorize certain grants (for youth suicide early intervention and prevention strategies) to be used for school personnel in elementary and secondary schools and students in secondary schools to receive student suicide awareness and prevention training, and for other purposes; Sponsor: Cleaver, Emanuel [Rep.-D-MO-5]; Committees: House - Energy and Commerce; Education and the Workforce
- H.R.3684 — To direct the Secretary of Defense to establish a grant program for using psychedelic substances to treat certain conditions, and for other purposes; Sponsor: Crenshaw, Dan [Rep.-R-TX-2]; Committees: House - Armed Services
- H.R.3688 — To provide for the mandatory recall of drugs regulated by the Food and Drug Administration; Sponsor: DeLauro, Rosa L. [Rep.-D-CT-3]; Committees: House - Energy and Commerce
- H.R.3691 — To amend title XVIII of the Social Security Act to revise payment for air ambulance services under the Medicare program; Sponsor: Estes, Ron [Rep.-R-KS-4]; Committees: House - Energy and Commerce; Ways and Means
- H.R.3701 — To amend title XIX of the Social Security Act to strengthen coverage under the Medicaid program for certain foster youth individuals; Sponsor: Kamlager-Dove, Sydney [Rep.-D-CA-37]; Committees: House - Energy and Commerce
- H.R.3703 — To direct the Comptroller General of the United States to conduct and complete a review examining the efforts of the Secretary of Health and Human Services to ensure that the United States is prepared to rapidly produce

certain medical countermeasures in the event of a public health emergency, and for other purposes; Sponsor: Latta, Robert E. [Rep.-R-OH-5]; Committees: House - Energy and Commerce

H.R.3706 — To expand and enhance existing adult day programs for younger people with neurological diseases or conditions (such as multiple sclerosis, Parkinson's disease, traumatic brain injury, or other similar diseases or conditions) to support and improve access to respite services for family caregivers who are taking care of such people, and for other purposes; Sponsor: Lee, Barbara [Rep.-D-CA-12]; Committees: House - Energy and Commerce

H.R.3707 — To amend the Internal Revenue Code of 1986 to provide a tax credit for expenses for household and elder care services necessary for gainful employment; Sponsor: Lee, Barbara [Rep.-D-CA-12]; Committees: House - Ways and Means

H.R.3710 — To amend title 18, United States Code, to prohibit health professionals from providing false or misleading information with respect to assisted reproduction, and for other purposes; Sponsor: McClain, Lisa C. [Rep.-R-MI-9]; Committees: House - Judiciary

H.R.3713 — To amend the Public Health Service Act to revise and extend projects relating to children and to provide access to school-based comprehensive mental health programs; Sponsor: Napolitano, Grace F. [Rep.-D-CA-31]; Committees: House - Energy and Commerce

H.R.3718 — To require the Secretary of Veterans Affairs to take certain actions to improve the processing by the Department of Veterans Affairs of claims for disability compensation for post-traumatic stress disorder, and for other purposes; Sponsor: Neguse, Joe [Rep.-D-CO-2]; Committees: House - Veterans' Affairs

H.R.3722 — To require a pilot program on activities under the pre-separation transition process of members of the Armed Forces for a reduction in suicide among veterans, and for other purposes; Sponsor: Nunn, Zachary [Rep.-R-IA-3]; Committees: House - Armed Services; Veterans' Affairs

H.R.3723 — To amend the Federal Food, Drug, and Cosmetic Act to expand the types of devices for which required labeling may be made available solely by electronic means; Sponsor: Obernolte, Jay [Rep.-R-CA-23]; Committees: House - Energy and Commerce

H.R.3725 — To amend title XVIII of the Social Security Act to provide benefits under the Medicare program for first responders at the age of 57; Sponsor: Panetta, Jimmy [Rep.-D-CA-19]; Committees: House - Ways and Means; Energy and Commerce

H.R.3726 — To direct the Secretary of Education to study student mental health at institutions of higher education and to issue guidance on compliance with the Americans with Disabilities Act of 1990 for mental health and substance use disorder policies of institutions of higher education, and for other purposes; Sponsor: Porter, Katie [Rep.-D-CA-47]; Committees: House - Education and the Workforce

H.R.3730 — To amend title XVIII of the Social Security Act to modernize provisions relating to rural health clinics under Medicare; Sponsor: Smith, Adrian [Rep.-R-NE-3]; Committees: House - Energy and Commerce; Ways and Means

H.R.3731 — To authorize the Secretary of Health and Human Services to award grants to reduce barriers to immigrants becoming nurses or allied health professionals in the United States, and for other purposes; Sponsor: Smith, Adam [Rep.-D-WA-9]; Committees: House - Energy and Commerce

H.R.3732 — To authorize the Secretary of Health and Human Services to award grants for career support for skilled internationally educated health professionals; Sponsor: Smith, Adam [Rep.-D-WA-9]; Committees: House - Energy and Commerce

H.R.3733 — To address barriers immigrants and refugees face to entering the health care workforce, and for other purposes; Sponsor: Smith, Adam [Rep.-D-WA-9]; Committees: House - Energy and Commerce; Ways and Means

H.R.3736 — To amend title XIX of the Social Security Act to extend the requirement for State Medicaid plans to provide coverage for medication-assisted treatment; Sponsor: Tonko, Paul [Rep.-D-NY-20]; Committees: House - Energy and Commerce

H.R.3737 — To direct the Director of the Centers for Disease Control and Prevention to submit a report to Congress on the feasibility of reporting data relating to injuries in high school sports to improve the safety of student athletes; Sponsor: Veasey, Marc A. [Rep.-D-TX-33]; Committees: House - Energy and Commerce; Education and the Workforce