



Health Policy Briefing

August 8, 2022

Senate Passes *Inflation Reduction Act*

The Senate passed the *Inflation Reduction Act* via the budget reconciliation process on Sunday in a party-line 51-50 vote, with Vice President Kamala Harris casting the tie-breaking vote. The \$437 billion tax, climate, and health package is the product of careful negotiations between Senate Majority Leader Chuck Schumer (D-N.Y.), Sen. Joe Manchin (D-W.Va.), and most recently, Sen. Kyrsten Sinema (D-Ariz.). Sinema signaled her support for the bill late last week after a proposal to narrow the carried interest loophole was dropped and an exception to the minimum corporate tax was made for accelerated depreciation tax deductions used by many manufacturers. The legislation gives the Medicare program authority to set the price of certain high-expenditure prescription drugs, in both Part B and Part D. Sen. John Barrasso (R-Wyo.) had drafted an amendment that would remove providers who buy and bill Part B drugs from the middle of the new pricing mechanism and would instead enable Medicare to achieve the same savings via a direct rebate from drug companies, but the Congressional Budget Office was unable to score that amendment in time for consideration. The legislation would also cap out-of-pocket Part D spending at \$2,000 per year and extend expanded Affordable Care Act premium subsidies for three years. The measure includes \$374 billion for energy and climate programs. It would establish a 15% corporate minimum tax on large firms, a 1% excise tax on the value of stock buybacks, and an \$80 billion increase to the Internal Revenue Service budget for tax enforcement. The chamber worked through the weekend to complete the vote-a-rama process, a marathon series of back-to-back amendment votes with no time limit. Most Democrats voted against all amendments to protect the underlying bill. Democrats did not have the 60 votes required to waive the procedural objection against a \$35 cap on insulin for private insurance plans, which the Senate parliamentarian determined violated the chamber's Byrd Rule.

Seven Republicans - Sens. Bill Cassidy (R-La.), Susan Collins (R-Maine), Josh Hawley (R-Mo.), Cindy Hyde-Smith (R-Miss.), John Kennedy (R-La.), Lisa Murkowski (R-Alaska), and Dan Sullivan (R-Alaska) - voted with Democrats in the 57-43 vote. A \$35 insulin cap for Medicare beneficiaries, however, remains in the package. The bill will need to be passed by

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the House of Representatives before it is sent to President Joe Biden to be signed into law. The House is expected to briefly return from August recess on Friday, August 12 to take up the legislation. The Senate has adjourned for August recess and is scheduled to reconvene on September 6.

Senate Passes Veteran Burn Pit Legislation

The Senate passed the **PACT Act** ([S. 3373](#)) in an 86-11 vote last week. The bill would expand health benefits for veterans exposed to toxic burn pits and substances like Agent Orange while on active duty. Bill passage had previously been delayed by Senate Republicans due to a disagreement over a technical issue related to mandatory entitlement spending. The legislation will now be sent to President Joe Biden to be signed into law.

Pallone Submits Comments on Menthol Proposed Rule

House Energy and Commerce Committee Chair Frank Pallone (D-N.J.) sent a [letter](#) last week reiterating his support for the administration's plans to ban menthol cigarettes. Pallone's comment letter to the Food and Drug Administration urges the agency to utilize "its tobacco product standard authority to ban flavored tobacco products that attract kids, hook new users, and lead to tobacco-related disease and death." The comment period for the FDA's proposed rule **Tobacco Product Standard for Menthol in Cigarettes** closed last week.

Indiana Congresswoman and Two Staffers Killed in Car Accident

Congresswoman Jackie Walorski (R-Ind.) died last week following a head-on car crash in Elkhart County, Indiana. Walorski's communications director Emma Thompson and her district director Zachery Potts also died in the accident. Walorski was serving her fifth term in the House of Representatives. She was a member of the Ways and Means Committee and the Ranking Member of the House Ethics Committee. In accordance with Indiana election law, a special election to complete Walorski's term will be held because the vacancy occurred more than 74 days before the general election.

More Breakthrough COVID-19 Cases on Capitol Hill

Sen. John Cornyn (R-Texas) announced last Monday that he had tested positive for COVID-19. He is fully vaccinated and boosted and tweeted that he would quarantine "consistent with CDC guidelines." House Budget Committee Chair John Yarmuth (D-Ky.) announced on Thursday that he had tested positive for COVID-19. Yarmuth is fully vaccinated and double-boosted and was experiencing very mild symptoms.

HHS Declares Monkeypox Public Health Emergency

U.S. Department of Health and Human Services (HHS) Secretary Xavier Becerra has [declared](#) monkeypox a public health emergency pursuant to Public Health Service Act section 319 authorities. The declaration frees up federal funding for public health agencies and provides more flexibility for the administration to stop the spread of the virus. The White House had previously announced the appointment of a White House monkeypox coordinator, Robert Fenton from the Federal Emergency Management Agency. Dr. Demetre Daskalakis, director of the division of HIV prevention at the Centers for Disease Control and Prevention, was named deputy coordinator. More than 26,000 people globally have contracted monkeypox, with the U.S. leading the world with more than 6,600 known cases. The virus spreads primarily through close contact with lesions; 99% of U.S. cases have been in men who have sex with men.

House Homeland Security Chair Bennie Thompson (D-Miss.) along with Reps. Ritchie Torres (D-N.Y.) and Val Butler Demings (D-Fla.) have sent a [letter](#) to the Government Accountability Office asking the agency to examine the adequacy of the Federal response to the monkeypox outbreak and to make recommendations for ongoing and future preparedness efforts. “We are concerned that the pace of the Federal response to monkeypox has enabled the virus to spread for two months and delays in distributing tests and vaccines have harmed efforts to contain the virus,” the letter states. They ask GAO to examine the extent to which the Federal government “adequately planned and prepared for the monkeypox public health emergency; are appropriately responding to the emergency and considered and are applying lessons learned from the COVID-19 pandemic to the emergency.”

Recently Introduced Health Legislation

H.R.8624 — A bill to amend title XI of the Social Security Act to provide for additional requirements for disclosing entities relating to the quality of care furnished at skilled nursing facilities and nursing facilities, and for other purposes; Sponsor: Rep. Schakowsky, Jan [D-IL-09]; Committees: House - Energy and Commerce; Ways and Means

H.R.8613 — A bill to provide for the establishment of a pilot program to provide grants to community mental health centers for the placement of social workers with law enforcement agencies, and for other purposes; Sponsor: Rep. Harder, Josh [D-CA-10]; Committees: House - Judiciary

H.R.8610 — A bill to amend the Homeland Security Act of 2002 to authorize the Office of Health Security, make technical corrections to the authorization of the Countering Weapons of Mass Destruction Office, establish a Countering Weapons of Mass Destruction Advisory Committee, establish a departmental biodefense strategy, and for other purposes; Sponsor: Rep. Demings, Val [D-FL-10]; Committees: House - Homeland Security; Energy and Commerce

H.R.8602 — A bill to amend the Higher Education Act of 1965 to establish fair and consistent eligibility requirements for graduate medical schools operating outside the United States and Canada; Sponsor: Rep. Burgess, Michael [R-TX-26]; Committees: House - Education and Labor

H.R.8597 — A bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of services furnished by freestanding emergency centers; and for other purposes; Sponsor: Rep. Arrington, Jodey [R-TX-19]; Committees: House - Energy and Commerce; Ways and Means

H.R.8594 — A bill to amend title XVIII of the Social Security Act to clarify and preserve the breadth of the protections under the Medicare Secondary Payer Act; Sponsor: Rep. Clarke, Yvette [D-NY-09]; Committees: House - Ways and Means; Energy and Commerce

H.R.8591 — To amend title III of the Public Health Service Act to direct the Secretary of Health and Human Services, acting through the Director of the National Institute for Occupational Safety and Health shall conduct research on programs to educate workplace professionals on the prevention of impairment from the use of cannabis, opioids, and other drugs, and the risks resulting from individuals working while impaired, and for other purposes; Sponsor: Rep. Owens, Burgess [R-UT-04]; Committees: House - Energy and Commerce

S.4697 — A bill to require limitations on research on potential pandemic pathogens of concern; Sponsor: Sen. Marshall, Roger [R-KS]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.737 — A resolution designating August 10, 2022, as “Toxic Exposure Awareness Day”; Sponsor: Sen. Klobuchar, Amy [D-MN]; Committees: Senate – Judiciary

S.4700 — A bill to amend title 38, United States Code, to provide for limitations on copayments for contraception furnished by the Department of Veterans Affairs, and for other purposes; Sponsor: Sen. Blumenthal, Richard [D-CT]; Committees: Senate - Veterans’ Affairs

S.4704 — A bill to require the Comptroller General of the United States to submit a report regarding ways to improve the patent examination process at the United States Patent and Trademark Office, and for other purposes; Sponsor: Sen. Tillis, Thom [R-NC]; Committees: Senate – Judiciary

S.4708 — A bill to amend title XVIII of the Social Security Act to provide coverage for wigs as durable medical equipment under the Medicare program, and for other purposes; Sponsor: Sen. Blumenthal, Richard [D-CT]; Committees: Senate – Finance

S.4712 — A bill to clarify coverage of occupational therapy under the Medicare and Medicaid programs; Sponsor: Sen. Hassan, Margaret Wood [D-NH]; Committees: Senate – Finance

S.4721 — A bill to amend title 38, United States Code, to increase the amount paid by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services; Sponsor: Sen. Cortez Masto, Catherine [D-NV]; Committees: Senate - Veterans’ Affairs

S.4723 — A bill to ensure the right to provide reproductive health care services, and for other purposes; Sponsor: Sen. Murray, Patty [D-WA]; Committees: Senate – Judiciary

S.4734 — A bill to amend title 35, United States Code, to address matters relating to patent subject matter eligibility, and for other purposes; Sponsor: Sen. Tillis, Thom [R-NC]; Committees: Senate – Judiciary

S.4738 — A bill to protect the privacy of personally-identifiable health data, and for other purposes; Sponsor: Sen. Klobuchar, Amy [D-MN]; Committees: Senate - Commerce, Science, and Transportation

S.4739 — A bill to allow additional individuals to enroll in standalone dental plans offered through Federal Exchanges; Sponsor: Sen. Hassan, Margaret Wood [D-NH]; Committees: Senate - Health, Education, Labor, and Pensions

S.4747 — A bill to amend title XIX of the Social Security Act to expand the availability of mental, emotional, and behavioral health services under the Medicaid program, and for other purposes; Sponsor: Sen. Portman, Rob [R-OH]; Committees: Senate – Finance

S.4748 — A bill to provide for national uniformity for reproductive health products; Sponsor: Sen. Booker, Cory A. [D-NJ]; Committees: Senate – Judiciary

H.R.8637 — To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for training on alternatives to use of force, de-escalation, and mental and behavioral health and suicidal crises; Sponsor: Rep. Bass, Karen [D-CA-37]; Committees: House – Judiciary

H.R.8641 — To mitigate the effects of the COVID-19 pandemic on incentives under the Federal Food, Drug, and Cosmetic for the development of orphan drugs, and for other purposes; Sponsor: Rep. Gottheimer, Josh [D-NJ-5]; Committees: House - Energy and Commerce

H.R.8650 — To ensure the right to provide reproductive health care services, and for other purposes; Sponsor: Rep. Schrier, Kim [D-WA-8]; Committees: House - Energy and Commerce; Judiciary

S.4750 — A bill to amend title XVIII of the Social Security Act to clarify and preserve the breadth of the protections under the Medicare Secondary Payer Act; Sponsor: Sen. Menendez, Robert [D-NJ]; Committees: Senate – Finance

S.4761 — A bill to amend title V of the Social Security Act to establish a grant program for community-based maternal mentoring programs; Sponsor: Sen. Rubio, Marco [R-FL]; Committees: Senate – Finance

S.4764 — A bill to amend the Public Health Service Act to improve reproductive health care of individuals with disabilities; Sponsor: Sen. Murray, Patty [D-WA]; Committees: Senate - Health, Education, Labor, and Pensions

S.4778 — A bill to require limitations on research on potential pandemic pathogens of concern; Sponsor: Sen. Marshall, Roger [R-KS]; Committees: Senate - Health, Education, Labor, and Pensions

S.4782 — A bill to combat the fentanyl crisis; Sponsor: Sen. Scott, Rick [R-FL]; Committees: Senate - Health, Education, Labor, and Pensions