



Health Policy Briefing

October 30, 2023

House GOP Elects Mike Johnson (La.) as Speaker

Republicans in the House of Representatives elected Rep. Mike Johnson (R-La.) to serve as the next Speaker of the House on Wednesday, ending a three-week impasse that stalled all legislative work in the chamber. Johnson was first elected to the House in 2016, having previously worked as a senior counsel for the Alliance Defending Freedom and as a former state legislator. The Alliance Defending Freedom was involved in the recent legal case that overturned *Roe v. Wade*, and is now leading the push to restrict access to abortion medication. Johnson himself has sponsored a bill that would ban all abortions past 15 weeks, and has signed on as a cosponsor of legislation to codify the Hyde amendment which prohibits the use of federal funds to pay for abortion, except to save the life of the mother, or if the pregnancy is the result of incest or rape. Johnson previously served as chair of the conservative Republican Study Committee. During this time, he backed a budget proposal to raise the Medicare eligibility age to 67 and to endorse site neutral payments in the Medicare program. In 2019, he led an effort to replace Obamacare with high-risk pools, to roll back Medicaid expansion in favor of per-capita caps on the program, and to expand the use of health savings accounts. Johnson is a longstanding opponent of gender affirming care for children, and has been critical of the Centers for Disease Control and Prevention’s handling of the COVID-19 pandemic. Johnson was one of former President Donald Trump’s top allies on the Hill during his efforts to overturn Joe Biden’s 2020 presidential election victory.

The new Speaker is a strong advocate of cutting government spending. While he voted against the most recent continuing resolution (CR), Johnson has indicated that he is open to the next stopgap spending bill extending government funding for as long as five months. Johnson plans to pursue votes on eight spending bills ahead of the November 17 deadline to fund the federal government. If a CR is needed, Johnson has stated his intent to propose one that expires on January 15 or April 15 “to ensure the Senate cannot jam the House with a Christmas omnibus.”

Congress faces an effective April 30 deadline to pass fiscal year (FY) 2024 funding, given that the most recent debt ceiling agreement included a provision to subject all discretionary spending to a 1% cut should a CR still

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be in place past that date. The House successfully passed its Energy-Water spending bill (H.R. 4394) by a 210-199 vote last week. The House is expected to vote on Legislative Branch, Interior-Environment, and Transportation-Housing and Urban Development (HUD) appropriations the week of October 30; Financial Services and Commerce-Justice-Science the week of November 6; and Labor-Health and Human Services (HHS)-Education and Agriculture-Food and Drug Administration (FDA) the week of November 13. This plan would involve skipping committee markup of the Commerce-Justice-Science and Labor-HHS-Education bills and bringing them straight to the floor. Johnson's plans also involve the establishment of a working group to negotiate the Agriculture-FDA bill, which was pulled from floor consideration earlier this year due to Republican in-fighting over total spending levels and a restriction that would prevent the abortion medication mifepristone from being dispensed via the mail.

Senate appropriators have marked up all 12 of their annual spending bills with bipartisan support, and aim to pass their first three-bill minibus comprised of Agriculture-FDA, Military Construction-Veterans Affairs, and Transportation-HUD measures (H.R. 4366) in the coming days.

HELP Advances NIH Nominee

The Senate Health, Education, Labor and Pensions (HELP) Committee voted to advance the nomination of Dr. Monica Bertagnolli to serve as the Director of the National Institutes of Health (NIH) in a bipartisan 15-6 vote last week. Chairman Bernie Sanders (I-Vt.) voted against the nomination, stating that he was not convinced she is prepared "to take on the greed and power of the drug companies and health care industry." Earlier in the week, Sanders sent a [letter](#) to Christi Grimm, U.S. Department of Health and Human Services Inspector General, asking her office to investigate an exclusive patent license granted by the NIH to for a cervical cancer treatment. "I am growing increasingly alarmed that not only has the NIH abdicated its authority to ensure that the new drugs it helps develop are reasonably priced, it may actually be exceeding its authority to grant monopoly licenses to pharmaceutical companies that charge the American people, by far, the highest prices in the world for prescription drugs," Sanders states. He suggests that the NIH should instead offer nonexclusive licenses so that more companies can manufacture the treatment at a lower cost to patients.

Budget Panel Task Force Considers Changes to CBO's Scoring Methods

The House Budget Committee Health Care Task Force held its inaugural member roundtable last week to discuss the Congressional Budget Office's (CBO) methods for analyzing policies that impact drug development in the U.S. Participants discussed how the agency developed its estimates of the *Inflation Reduction Act's* impact on patient access to cures. The Task Force aims to ensure that CBO's future analyses capture additional factors and subsequent real-world effects of policies impacting medical innovation across the nation.

House Members Urge Administration to Reconsider Nursing Home Staffing Rule

A group of 100 bipartisan members of the House of Representatives are [urging](#) the Biden administration to reconsider its proposed nursing home staffing requirements. The new rule from the Centers for Medicare and Medicaid Services would increase the on-site registered nurse staffing requirement to 24 hours and mandate that nursing homes provide 2.45 hours of care per resident day from nurse aides and 0.55 hours per resident day from registered nurses. The lawmakers, led by Rep. Greg Pence (R-Ind.), assert that the regulation would result in "limited access to care for seniors, mandatory increases in state Medicaid budgets, and could most consequentially lead to widespread nursing home closures."

Lawmakers Push for Marijuana Descheduling

A bipartisan group of lawmakers have sent a [letter](#) urging the Drug Enforcement Administration (DEA) to pursue a full descheduling of marijuana. The policymakers highlight the federal-state policy gap on cannabis faced by medical practices and other stakeholders. “While Congress works to send the President comprehensive cannabis legislation, the urgency of full descheduling should inform DEA’s position on overall cannabis reform and appropriate enforcement centered on advancing public safety, not unjust criminalization,” the letter states. “Marijuana’s continued inappropriate scheduling is both arcane and out-of-touch with the will of the American people.”

Comer Probes FTC Move to Block Illumina’s Acquisition of Grail

House Oversight Committee Chairman James Comer (R-Ky.) has sent a [letter](#) to the Federal Trade Commission (FTC) regarding the agency’s handling of Illumina Inc.’s attempted acquisition of Grail, a cancer test provider. The European Union ordered Illumina to unwind its acquisition of Grail earlier this month, following a similar move by the FTC to block the deal earlier this year. Comer argues that the “collusion” between the FTC and EU deserves further scrutiny, and requests records of communication between the U.S regulatory agency and its European counterparts. “The FTC’s actions set a bad precedent that emboldens foreign governments to attack American businesses,” the letter states. “By deferring to foreign entities’ approaches to certain transactions, the FTC is improperly denying U.S. businesses the due process rights they are entitled to before the FTC and American courts.”

AAP Releases New Medicaid/CHIP Policy Statement

The American Academy of Pediatrics (AAP) released a [proposal](#) last week to overhaul how Medicaid and the Children’s Health Insurance Program (CHIP) provide health care for the nation’s children. The recommendations are aimed at providing more consistent and equitable health insurance coverage under the programs across all 50 states. The proposal would combine Medicaid and CHIP into a single program, automatically enrolling all newborns and extending program eligibility to include individuals up to the age of 26, regardless of immigration status. It would also increase the income threshold for eligibility to 400% of the federal poverty level. AAP also suggests “an end to undervalued Medicaid payment, with rates at least comparable to prevailing Medicare rates and that support the full range of services needed to provide comprehensive care to children.”

H.Res.806 — Expressing support for the recognition of October 2023, as “World Menopause Awareness Month” and expressing the sense of the House of Representatives regarding global awareness and access to care during the menopausal transition and post-menopause; Sponsor: Blunt Rochester, Lisa [Rep.-D-DE-At Large]

H.Con.Res.74 — Expressing support for the Geneva Consensus Declaration on Promoting Women’s Health and Strengthening the Family and urging that the United States rejoin this historic declaration; Sponsor: Banks, Jim [Rep.-R-IN-3]

H.R.6020 — To amend the Public Health Service Act to eliminate consideration of the income of organ recipients in providing reimbursement of expenses to donating individuals, and for other purposes; Sponsor: Obernolte, Jay [Rep.-R-CA-23]

H.R.6023 — To amend title 38, United States Code, to provide for the retroactive payment of benefits for veterans with covered mental health conditions based on military sexual trauma, and for other purposes; Sponsor: Carbajal, Salud O. [Rep.-D-CA-24]

H.R.6028 — To amend the Controlled Substances Act regarding marihuana, and for other purposes; Sponsor: Mace, Nancy [Rep.-R-SC-1]

H.R.6029 — To provide Medicaid assistance to individuals and families affected by a disaster or emergency, and for other purposes; Sponsor: Panetta, Jimmy [Rep.-D-CA-19]

H.R.6030 — To amend title XVIII of the Social Security Act to provide an option for first responders age 50 to 64 who are separated from service due to retirement or disability to buy into Medicare; Sponsor: Phillips, Dean [Rep.-D-MN-3]

H.R.6033 — To require the Secretary of Health and Human Services to establish a task force to improve access to health care information technology for non-English speakers; Sponsor: Steel, Michelle [Rep.-R-CA-45]

H.R.6038 — To amend the Public Health Service Act to provide for a Reducing Youth Use of E-Cigarettes Initiative; Sponsor: Wasserman Schultz, Debbie [Rep.-D-FL-25]

S.3130 — A bill to amend the Indian Health Care Improvement Act to improve the recruitment and retention of employees in the Indian Health Service, restore accountability in the Indian Health Service, improve health services, and for other purposes; Sponsor: Barrasso, John [Sen.-R-WY]; Committees: Senate - Indian Affairs

S.3131 — A bill to amend title XI of the Social Security Act to expand and clarify the exclusion for orphan drugs under the Drug Price Negotiation Program; Sponsor: Barrasso, John [Sen.-R-WY]; Committees: Senate – Finance

H.Res.813 — Supporting the designation of October 23, 2023, as “AADC Deficiency Awareness Day”; Sponsor: Murphy, Gregory [Rep.-R-NC-3]; Committees: House - Energy and Commerce

H.R.6040 — To prohibit the use of Federal funds for gender transition in minors; Sponsor: Boebert, Lauren [Rep.-R-CO-3]; Committees: House - Education and the Workforce

H.R.6045 — To direct the Comptroller General of the United States to conduct a study and submit a report on the efficacy of Federal drug surveillance systems, and for other purposes; Sponsor: Caraveo, Yadira [Rep.-D-CO-8]; Committees: House - Energy and Commerce

S.3136 — A bill 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: Hassan, Margaret Wood [Sen.-D-NH]; Committees: Senate – Finance

S.3137 — A bill to allow Americans to receive paid leave time to process and address their own health needs and the health needs of their partners during the period following a pregnancy loss, an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, a failed adoption arrangement, a failed surrogacy arrangement, or a diagnosis or event that impacts pregnancy or fertility, to support related research and education, and for other purposes; Sponsor: Duckworth, Tammy [Sen.-D-IL]; Committees: Senate - Health, Education, Labor, and Pensions

S.3138 — A bill to amend titles XIX and XXI of the Social Security Act to provide for 12-month continuous enrollment of individuals under the Medicaid program and Children's Health Insurance Program; Sponsor: Brown, Sherrod [Sen.-D-OH]; Committees: Senate - Finance

S.3143 — A bill to establish postmarket reporting requirements for pharmaceuticals, and for other purposes; Sponsor: Rubio, Marco [Sen.-R-FL]; Committees: Senate - Health, Education, Labor, and Pensions

S.3144 — A bill to protect survivors from brain injury by authorizing the Secretary of Health and Human Services to collect data on the prevalence of brain injuries resulting from domestic and sexual violence; Sponsor: Cortez Masto, Catherine [Sen.-D-NV]; Committees: Senate - Health, Education, Labor, and Pensions

S.3145 — A bill to amend the Public Health Service Act to authorize fellowships under the Minority Fellowship Program to be awarded for training for professionals in the addiction medicine field; Sponsor: Cornyn, John [Sen.-R-TX]; Committees: Senate - Health, Education, Labor, and Pensions

S.3157 — A bill to amend title XVIII of the Social Security Act to expand eligibility for incentives under the Medicare health professional shortage area bonus program to practitioners furnishing mental health and substance use disorder services; Sponsor: Stabenow, Debbie [Sen.-D-MI]; Committees: Senate - Finance

S.3158 — A bill to require the Secretary of Health and Human Services to issue guidance to States on strategies under Medicaid and CHIP to increase mental health and substance use disorder care provider education, training, recruitment, and retention; Sponsor: Stabenow, Debbie [Sen.-D-MI]; Committees: Senate - Finance

H.Res.815 — Expressing support for the recognition of October 26, 2023, as "Intersex Awareness Day", and supporting the goals and ideals of Intersex Awareness Day; Sponsor: Balint, Becca [Rep.-D-VT-At Large]; Committees: House - Energy and Commerce; Education and the Workforce

H.Res.821 — Supporting the goals and ideals of "Creutzfeldt-Jakob Disease (CJD) Awareness Day;" Sponsor: Valadao, David G. [Rep.-R-CA-22]; Committees: House - Energy and Commerce

H.R.6078 — To amend the Public Health Service Acts to make community colleges eligible to participate in the Nurse Education, Practice, Quality, and Retention-Pathway to Registered Nurse Program, and for other purposes; Sponsor: Ciscomani, Juan [Rep.-R-AZ-6]; Committees: House - Energy and Commerce. A press release can be found [here](#).

H.R.6088 — To require the National Academy of Sciences to establish a grant program to develop safe AI models and safe AI research, and for other purposes; Sponsor: Kiley, Kevin [Rep.-R-CA-3]; Committees: House - Science, Space, and Technology. A press release can be found [here](#).

H.R.6094 — To amend titles XVIII and XIX of the Social Security Act and title XXVII of the Public Health Service Act to refine the set of information sources for determining coverage of certain drugs and biologicals used in the treatment or management of a rare disease or condition, and for other purposes; Sponsor: Matsui, Doris O. [Rep.-D-CA-7]; Committees: House - Energy and Commerce; Ways and Means

H.R.6103 — To allow Americans to receive paid leave time to process and address their own health needs and the health needs of their partners during the period following a pregnancy loss, an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, a failed adoption arrangement, a failed surrogacy arrangement, or a diagnosis or event that impacts pregnancy or fertility, to support related research and education, and for other purposes; Sponsor: Pressley, Ayanna [Rep.-D-MA-7]; Committees: House - Education and the Workforce; House Administration; Oversight and Accountability; Judiciary

H.R.6109 — To amend the Internal Revenue Code of 1986 to establish the generic drugs and biosimilars production credit, and for other purposes; Sponsor: Tenney, Claudia [Rep.-R-NY-24]; Committees: House - Ways and Means

H.R.6110 — To amend title XVIII of the Social Security Act to restore physician judgment to prescribe the appropriate mix of skilled modalities that constitute an intensive rehabilitation therapy program in an inpatient rehabilitation hospital or unit; Sponsor: Thompson, Glenn [Rep.-R-PA-15]; Committees: House - Ways and Means

H.R.6112 — To establish postmarket reporting requirements for pharmaceuticals, and for other purposes; Sponsor: Waltz, Michael [Rep.-R-FL-6]; Committees: House - Energy and Commerce; Ways and Means