

WHG Health Policy Guide to the 118th Congress



Overview

Over a month into the 118th Congress, both the House and Senate have finally finished organizing themselves and have agreed on Committee membership, though some of the Senate Subcommittee assignments are yet to be named. With the Republicans taking control of the House, and new leadership on the top of both the House Ways and Means Committee and the Senate HELP Committee, there will be a new set of priorities when it comes to addressing health policymaking in Washington.

Congress ended last year having accomplished a sizable amount health focused legislative achievements. In addition to the several bipartisan provisions included in the fiscal year (FY) 2023 omnibus, lawmakers also passed bipartisan legislation on mental health and gun reform, and congressional Democrats were successful in advancing substantial drug pricing reforms and coverage expansions via the Inflation Reduction Act. With a divided 118th Congress, the outlook for similar legislative achievements is dim. However, there are still areas of bipartisan support that could see some action, including: workforce issues, expanding telehealth, reforming the Pharmacy Benefit Manager (PBM) system, and mental health. Additionally, several key authorizations are going to expire this year and Medicare physician payments are scheduled to decrease at the beginning of calendar year 2024, which may prompt the opportunity for some health focused legislative activity. Additionally, Congress will also have to address the debt ceiling in the summer and resolve how to fund the government for FY 2024.

Below is a summary of key issues facing each of the health focused Committees in Congress, as well as a roster of the each of the Committee's membership.

I. Senate Finance

Senator Ron Wyden (D-OR) and Senator Mike Crapo (R-ID) return as Chair and Ranking Member of the Senate Finance Committee. With several legislative victories in the last Congress, Chairman Wyden is hoping to build on his success in the 118th Congress. Some of his priorities include:

- ***Scheduled Cuts:*** The Committee will be under pressure to address the scheduled Medicaid Disproportionate Share Hospital cuts, and physician payment cuts, both of which are set to go in effect at the beginning of fiscal year 2024.
- ***Nonmedical Services for People with Chronic Conditions:*** Expanding 2018 bipartisan legislation to allow for Medicare to pay for nonmedical services for people with chronic conditions. This would constitute a major win for telehealth and at-home care advocates and would impact most Medicare beneficiaries, two-thirds of whom have at least one chronic condition.
- ***Pharmacy Benefit Managers:*** though the Inflation Reduction Act allowed Medicare to start negotiating prescription drug prices, Congress is expected to now turn to oversight over pharmacy benefit managers (PBMs) and their role in the cost of prescription drugs. The Commerce Committee will likely take a big role in this area, given Commerce Committee Chair Maria Cantwell (D-WA) introduced the [Pharmacy Benefit Manager Transparency Act](#) with Senator Chuck Grassley last year, but the Finance Committee has jurisdictional interest in the issue as well.

Memorandum

February 9, 2023



- **Mental Health:** Most of the mental health provisions in the FY 2023 omnibus were focused on reauthorizing existing federal programs, leaving out several bipartisan provisions contemplated by the Senate Finance Committee in the last Congress. Senator Wyden has stated that mental health care reforms remain high on his agenda.
- **Healthcare Workforce:** Though some advancements were made to expand the mental health and physician workforce in the FY 2022 omnibus, Senator Wyden would like to do more, including looking closely at the travel nursing industry which has been the subject of numerous allegations of price gouging during the COVID-19 pandemic.
- **Telehealth:** Expanding and making Telehealth flexibilities permanent. The FY 2023 Omnibus included a 2-year extension of the telehealth flexibilities implemented during the pandemic, which will last through the end of this Congress. Before the end of the Congress, there will be an effort to make these flexibilities permanent.

Minority Priorities: Ranking Member Republican Mike Crapo has long stated that Medicare solvency is one of his top health care priorities. Health IT and telehealth will also continue to be priorities for the Ranking Member. Most of the mental health work done by the Committee in the last Congress was bipartisan, so we expect that Senator Crapo will be interested in at least continuing those conversations.

Senate Finance Committee Membership (*denotes Health Subcommittee)	
Democrats	Republicans
Sen. Ron Wyden (OR) – Chairman	Senator Mike Crapo (ID) – Ranking Member
Sen. Debbie Stabenow (MI) – Health Sub. Chair*	Sen. Chuck Grassley (IA)*
Sen. Maria Cantwell (WA)	Sen. John Cornyn (TX)
Sen. Bob Menendez (NJ)*	Sen. John Thune (SD)*
Sen. Thomas Carper (DE)*	Sen. Tim Scott (SC)*
Sen. Ben Cardin (MD)*	Sen. Bill Cassidy (LA)*
Sen. Sherrod Brown (OH)	Sen. James Lankford (OK)*
Sen. Michael Bennett (CO)	Sen. Steve Daines (MT) – Health Sub. RM*
Sen. Bob Casey (PA)*	Sen. Todd Young (KS)*
Sen. Mark Warner (VA)*	Sen. John Barrasso (WY)*
Sen. Sheldon Whitehouse (RI)*	Sen. Ron Johnson (WI)
Sen. Maggie Hassan (NH)*	Sen. Thom Tillis (NC)
Sen. Catherine Cortez Masto (NV)*	Sen. Marsha Blackburn (TN)
Sen. Elizabeth Warren (MA)*	

Memorandum

February 9, 2023



II. Senate Health, Education Labor and Pensions (HELP)

Sen. Bernie Sanders (I-VT) will serve as chair of the Committee on Health, Education, Labor and Pensions (HELP) and Senator Bill Cassidy (R-LA) will serve as the Ranking Member. Both Senators are new to these positions.

Senator Sanders will use his position as Chair to bring attention to the issues he cares about. That will include traditional committee hearings, but also town halls on specific issues. As he has in many previous Congresses, Senator Sanders is expected to introduce his Medicare for All legislation, though he recognizes that the chances of the bill going anywhere are slim and has stated that he does not plan to make the bill a top priority for the committee. His top priority will likely be to oversee the implementation the Inflation Reduction Act's allowance for Medicare to negotiate prescription drug costs. In a [YouTube video](#) posted on Jan. 1, Sanders pledged to stand up to prescription drug manufacturers and insurers stating "we must have the courage to stand up to the greed and recklessness of the insurance companies and the drug companies." Workforce will also be a priority for the Committee and is expected to be the topic of the first Committee hearing of the year.

Other priorities of the Committee could include:

- **Federally Qualified Health Centers:** Legislation to bolster federally funded community clinics. Given the political realities that a Medicare for All system can not be achieved, Senator Sanders is hoping to expand coverage and accessibility by bolstering and expanding federally qualified community health centers.
- **Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPA) Reauthorization:** Set to expire at the end of the current fiscal year (September 30, 2023), the Committee will look to build upon the new reforms included in the FY 2023 Omnibus and address current gaps. This could also be a vehicle to move the Pioneering Antimicrobial Subscriptions to End Surging Resistance (PASTEUR) Act ([H.R.3932/S.2076](#)) which was introduced last year.
- **Health Care Workforce:** The Committee is expected to continue to look at workforce shortage issues, as well as workforce satisfaction. One of the programs the Committee will need to focus on is the expiring authorization of the Children's Hospital Graduate Medical Education program. He also hopes to expand the National Health Service Corps program — the program that provides scholarships and debt forgiveness for doctors, nurses, dentists, and mental health providers, who are prepared to work in our nation's most underserved areas.
- **Verifying Accurate Leading-edge IVCT Development (VALID) Act:** Notably left out of the 2023 omnibus, this bill ([H.R.4128/S.2209](#)) would allow the FDA to regulate laboratory-developed tests. The bill was opposed by academic medical centers for the potential to discourage test innovation, but similar legislation could be reintroduced this year with an academic medical center exemption.

Minority Priorities: On the Minority side, Senator Cassidy's health related priorities have traditionally included lowering the cost of prescription drugs, preventing surprise medical billing, reforming mental health care, addressing disparities in health care, protecting pregnant people from workplace discrimination, and antibiotic resistance. While in favor of expanding telehealth, he is on the record as being against interstate licensing registration systems and would prefer physicians using telehealth across state lines obtain a full medical license

Memorandum

February 9, 2023



in each state they practice. Senator Cassidy has also indicated that in his new position as Ranking Member he would like to examine how expensive gene therapies are paid for, especially in cases where a health benefit for a patient might not be realized for decades.

Senate Health, Education, Labor and Pensions Committee Membership¹	
Democrats	Republicans
Senator Bernie Sanders (VT) ² – Chair	Senator Bill Cassidy (LA) – Ranking Member
Sen. Patty Murray (WA)	Sen. Rand Paul (KY)
Sen. Bob Casey (PA)	Sen. Susan Collins (ME)
Sen. Tammy Baldwin (WI)	Sen. Lisa Murkowski (AK)
Sen. Chris Murphy (CT)	Sen. Mike Braun (IN)
Sen. Tim Kaine (VA)	Sen. Roger Marshall (KS)
Sen. Maggie Hassan (NH)	Sen. Mitt Romney (UT)
Sen. Tina Smith (MN)	Sen. Tommy Tuberville (AL)
Sen. Ben Ray Lujan (NM)	Sen. Markwayne Mullin (OK)
Sen. John Hickenlooper (CO)	Sen. Ted Budd (NC)
Sen. Edward Markey (MA)	

III. House Ways and Means

The Ways and Means Committee will be Chaired by Rep. Jason Smith (R-MO), formerly chair of the Budget Committee. The Ranking Member will be Rep. Ritchie Neal (D-MA), who chaired the Committee in the last Congress. The Health Subcommittee will be chaired by Rep. Vern Buchanan (R-FL) and Rep. Lloyd Doggett (D-TX) will be the Ranking Member.

Chairman Smith's priorities are largely focused on the tax side of the Ways and Means portfolio, and minimally on health. Though, over the past several years he has been a strong advocate for extending the increased Child Tax Credit (CTC), with the caveat that it would be accompanied by work requirements. In February 2022, Smith introduced the Permanent Tax Relief for Working Families Act ([H.R.1380](#)), which would have made permanent several changes to the CTC, including the increased value of the credit to \$2,000 per child, the \$500 dependent credit for those who are not qualifying children, and expanding the amount of the credit that is refundable. In 2022, Smith also proposed the Child Tax Credit for Pregnant Moms Act ([H.R.6505/S.3537](#)), a bill that would

¹ Health Subcommittee not yet determined.

² Technically an Independent but caucuses with Democrats.

Memorandum

February 9, 2023



have extended the CTC to pregnant mothers or mothers who had pregnancies resulting in a miscarriage or stillbirth.

Statements made by Chairman Smith and Health Subcommittee Chair Buchanan indicate that oversight will be a large part of their agenda, specifically targeted to the Administration's handling of the COVID-19 pandemic. However, other health focused priorities for the Committee could include:

- **Scheduled Cuts:** The Committee will be under pressure to address the scheduled Medicaid Disproportionate Share Hospital cuts, and physician payment cuts, both of which are set to go in effect at the beginning of fiscal year 2024.
- **Telehealth:** Continuing telehealth services to improve access and affordability and prioritize preventive care. Though the telehealth flexibilities have been extended through the end of 2024, the Committee will continue to evaluate the use of telehealth and look for ways to make permanent flexibilities that were provided during the pandemic.
- **Pharmacy Benefit Managers:** Congress is likely to engage in efforts to reform the pharmacy benefit manager industry. Potential changes could include additional transparency requirements around copay assistance, rebates, out-of-pocket spending, prohibiting spread pricing or claw backs, or requiring rebates to be passed on at the point of sale.

Minority Priorities: On the Minority side, Health Subcommittee Chairman Lloyd Doggett, has said that shielding Medicare from Republican threats is his top concern. Though, he does see a window for bipartisan work with Rep. Buchanan on telehealth. Congressman Doggett has also indicated that he will continue to look for ways to stymie fraud and abuse in Medicare Advantage.

House Ways and Means Committee Membership (*denotes Health Subcommittee)	
Democrats	Republicans
Rep. Richard Neal (MA)- Ranking Member	Rep. Jason Smith (MO) - Chair
Rep. Lloyd Doggett (TX) – Health Subcommittee Ranking Member*	Rep. Vern Buchanan (FL) – Health Subcommittee Chair*
Rep. Mike Thompson (CA)*	Rep. Adrian Smith (NE)*
Rep. John Larson (CT)	Rep. Mike Kelly (PA)*
Rep. Earl Blumenauer (OR)*	Rep. David Schweikert (AZ)
Rep. Bill Pascrell (NJ)	Rep. Darin LaHood (IL)
Rep. Danny Davis (IL)*	Rep. Brad Wenstrup (OH)*
Rep. Linda Sanchez (CA)	Rep. Jodey Arrington (TX)
Rep. Brian Higgins (NY)*	Rep. Drew Ferguson (GA)

Memorandum

February 9, 2023



House Ways and Means Committee Membership (*denotes Health Subcommittee)	
Democrats	Republicans
Rep. Terri Sewell (AL)*	Rep. Ron Estes (KS)
Rep. Suzan DelBene (WA)	Rep. Lloyd Smucker (PA)
Rep. Judy Chu (CA)*	Rep. Kevin Hern (OK)*
Rep. Gwen Moore (WI)	Rep. Carol Miller (WV)*
Rep. Dan Kildee (MI)	Rep. Greg Murphy (NC)*
Rep. Don Beyer (VA)	Rep. David Kustoff (TN)
Rep. Dwight Evans (PA)*	Rep. Brian Fitzpatrick (PA)*
Rep. Brad Schneider (IL)	Rep. Greg Steube (FL)
Rep. Jimmy Panetta (CA)	Rep. Claudia Tenney (NY)*
	Rep. Michelle Fischbach (MN)
	Rep. Blake Moore (UT)*
	Rep. Michelle Steel (CA)*
	Rep. Beth Van Duyne (TX)
	Rep. Randy Feenstra (IA)
	Rep. Nicole Malliotakis (NY)
	Rep. Mike Carey (OH)

IV. House Energy and Commerce

The House Energy and Commerce Committee is chaired by Rep. Cathy McMorris Rodgers (R-WA) with the lead Democrat Rep. Frank Pallone (D-NJ), both of which are returning to the Committee, though they have switched positions following the Republicans taking control of the House. The Health Subcommittee is being chaired by Rep. Brett Guthrie (R-KY) and Rep. Anna Eshoo is the Ranking Member.

Congressman Guthrie also co-chairs the Republicans' Healthy Future Task Force, along with Ways and Means Health Subcommittee Chairman Vern Buchanan (R-FL). In an op-ed last year, both members wrote that they hope to develop "solutions to improve the health of all Americans by expanding choices, lowering costs, and modernizing treatment options." Rep. Guthrie has indicated that his health priorities for this year will include:

- **COVID-19 Pandemic Origins and Response, and Future Pandemic Prevention:** The Committee will examine the roles of Federal agencies and actions taken to protect public health during the COVID-19 pandemic. Plans include probing the CDC and NIH to further explore the origins of COVID-

Memorandum

February 9, 2023



19. Congressman Guthrie also authored the bill that passed the House last week that would end the PHE.

- **Addressing the Fentanyl Crisis:** This is a top priority for the Subcommittee on Health, which recently convened a legislative hearing with bills that generally align with the Biden Administration’s position – classifying fentanyl-related substances as Schedule I drugs and stopping fentanyl trafficking. The Halt All Lethal Trafficking (HALT) of Fentanyl Act (H.R. 467), introduced by Republicans, does not have Democratic support but could be a starting point for discussions.
- **Health Care Costs:** The Committee will continue to examine issues related to the affordability of health care, including areas where federal government intervention has contributed to increased costs for patients and families.
- **Entitlement Programs:** The Committee will review Medicare and Medicaid, two of the most significant drivers of the federal budget deficit and resulting debt. Of note, the Committee’s Vice Chair, Rep. Larry Bucshon (R-IN), was part of a bipartisan group of representatives that issued a request for information seeking input on ways to improve the Medicare Access and CHIP Reauthorization Act (MACRA).
- **FDA Oversight:** The Committee will review whether the Food and Drug Administration (FDA) is fulfilling its mission to ensure that regulated drugs and medical devices are safe, effective, and available to American patients in an expeditious fashion. The Committee will also examine whether FDA’s reorganization efforts and look to reauthorize the animal drug and generic drug user fee programs that expire at the end of FY2023 and must be reauthorized for FY2024—2028.
- **Mental Health:** The Committee will conduct oversight mental health and substance use programs reauthorization in the Consolidated Appropriations Act,2023. The Committee will also examine regulations drafted to implement previous enacted legislation to ensure they comport with the intent of Congress and will monitor funding provided by the legislation to ensure that it is appropriately spent.
- **Health Care Workforce:** Congressman Guthrie introduced Building American’s Health Care Workforce Act (H.R. 468), a bipartisan bill aimed at tackling nursing home workforce issues.

Minority Priorities: The Democrats will try to build on last year’s legislative achievements and make health care and prescription drugs more affordable, including by expanding CHIP and Medicaid.

House Energy and Commerce Committee Membership (*denotes Health Subcommittee)	
Democrats	Republicans
Rep. Frank Pallone (NJ) – Ranking Member*	Rep. Cathy McMorris Rodgers (WA) – Chair*
Rep. Anna Eshoo (CA) – Health Subcommittee Ranking Member*	Rep. Michael Burgess (TX)*
Rep. Diana DeGette (CO)	Rep. Bob Latta (OH)*

Memorandum

February 9, 2023



House Energy and Commerce Committee Membership (*denotes Health Subcommittee)	
Democrats	Republicans
Rep. Jan Schakowsky (IL)	Rep. Brett Guthrie (KY) – Health Subcommittee Chair*
Rep. Doris Matsui (CA)	Rep Morgan Griffith (VA)*
Rep. Kathy Castor (FL)	Rep. Gus Bilirakis (FL)*
Rep. John Sarbanes (MD)*	Rep. Bill Johnson (OH)*
Rep. Paul Tonko (NY)	Rep. Larry Bucshon (IN) – Health Subcommittee Vice-Chair*
Rep. Yvette Clark (NY)	Rep. Richard Hudson (NC)*
Rep. Tony Cardenas (CA)*	Rep. Tim Walberg (MI)
Rep. Raul Ruiz (CA)*	Rep. Buddy Carter (GA)*
Rep. Scott Peters (CA)	Rep. Jeff Duncan (SC)
Rep. Debbie Dingell (MI)*	Rep. Gary Palmer (AL)
Rep. Marc Veasey (TX)	Rep. Neal Dunn (FL)*
Rep. Ann Kuster (NH)*	Rep. John Curtis (UT)
Rep. Robin Kelly (IL)*	Rep. Debbie Lesko (AZ)
Rep. Nanette Barragan (CA)*	Rep. Greg Pence (IN)*
Rep. Lisa Blunt Rochester (DE)*	Rep. Dan Crenshaw (TX)*
Rep. Angie Craig (MN)*	Rep. John Joyce (PA)*
Rep. Kim Schrier (WA)*	Rep. Kelly Armstrong (ND)
Rep. Lori Trahan (MA)*	Rep. Randy Weber (TX)
Rep. Lizzie Fletcher (TX)	Rep. Rick Allen (GA)
	Rep. Troy Balderson (OH)
	Rep. Russ Fulcher (ID)
	Rep. August Pfluger (TX)
	Rep. Diana Harshbarger (TN)*
	Rep. Mariannette Miller-Meeks (IA)*
	Rep. Kat Cammack (FL)
	Rep. Jay Obernolte (CA)*

Memorandum

February 9, 2023



V. Appropriations

The House and Senate Appropriations Committees are making history this Congress for being led by four women: Senator Patty Murray (D-WA) and Representative Kay Granger (R-TX) are the Chairs of the Senate and House Committees, respectively, and Senator Susan Collins (R-ME) and Representative Rosa DeLauro (D-CT) are the Ranking Members. The Labor-HHS Appropriations Subcommittee will be chaired by Rep. Robert Aderholt (R-AL) in the House with Rep. Rosa DeLauro as Ranking Member. The Senate has not yet named Subcommittee leadership.

Senators Murray and Collins recently released a statement that highlighted their commitment to work together “in a bipartisan way,” including “marking up our appropriations bills and bringing them to the floor in a timely way so we can fund the government in a responsible and bipartisan manner.” The statement also reiterated a commitment to continuing the use of Congressionally Directed Spending, or earmarks, so members can “support the needs and projects of their states.”

Senate Appropriations Committee Membership (*denotes Health Subcommittee)	
Democrats	Republicans
Sen. Patty Murray (WA) – Chair*	Sen. Susan Collins (ME) – Ranking Member
Sen. Dianne Feinstein (CA)	Sen. Mitch McConnell (KY)
Sen. Dick Durbin (IL)*	Sen. Lisa Murkowski (AK)
Sen. Jack Reed (RI)*	Sen. Lindsey Graham (SC)*
Sen. Jon Tester (MT)	Sen. Jerry Moran (KS)*
Sen. Jeanne Shaheen (NH)*	Sen. John Hoeven (ND)
Sen. Jeff Merkley (OR)*	Sen. John Boozman (AK)
Sen. Chris Coons (DE)	Sen. Shelly Moore Capito (WV)*
Sen. Brian Schatz (HI)*	Sen. John Kennedy (LA)*
Sen. Tammy Baldwin (WI)*	Sen. Cindy Hyde-Smith (MS)*
Sen. Chris Murphy (CT)*	Sen. Bill Hagerty (TN)
Sen. Joe Manchin (WV)*	Sen. Katie Britt (AL)
Sen. Chris Van Hollen (MD)	Sen. Marco Rubio (FL)*
Sen. Martin Heinrich (NM)	Sen. Deb Fischer (NB)
Sen. Gary Peters (MI)	

Memorandum

February 9, 2023



House Appropriations Committee Membership (*denotes Health Subcommittee)	
Democrats	Republicans
Rep. Rosa DeLauro (CT) – Ranking Member*	Rep. Kay Granger (TX) – Chair
Rep. Steny Hoyer (MD)*	Rep. Harold Rogers (KY)
Rep. Marcy Kaptur (OH)	Rep. Robert Aderholt (AL) – Health Subcommittee Chair*
Rep. Sanford Bishop (GA)	Rep. Mike Simpson (ID)*
Rep. Barbara Lee (CA)*	Rep. John Carter (TX)
Rep. Betty McCollum (MN)	Rep. Ken Calvert (CA)
Rep. Dutch Ruppersberger (MD)	Rep. Tom Cole (OK)
Rep. Henry Cuellar (TX)	Rep. Mario Diaz-Balart (FL)
Rep. Chellie Pingree (ME)	Rep. Steve Womack (AR)
Rep. Mike Quigley (IL)	Rep. Chuck Fleischmann (TN)*
Rep. Derek Kilmer (WA)	Rep. David Joyce (OH)
Rep. Matt Cartwright (PA)	Rep. Andy Harris (MD)*
Rep. Grace Meng (NY)	Rep. Mark Amodei (NV)
Rep. Mark Pocan (WI)*	Rep. Chris Stewart (UT)
Rep. Pete Aguilar (CA)	Rep. David Valadao (CA)
Rep. Lois Frankel (FL)*	Rep. Dan Newhouse (WA)
Rep. Bonnie Watson Coleman (NJ)*	Rep. John Moolenaar (MI)*
Rep. Norma Torres (CA)	Rep. John Rutherford (FL)
Rep. Ed Case (HI)	Rep. Ben Cline (VA)
Rep. Adriano Espaillat (NY)	Rep. Guy Reschenthaler (PA)
Rep. Josh Harder (CA)*	Rep. Mike Garcia (CA)
Rep. Jennifer Wexton (VA)	Rep. Ashly Hinson (IA)
Rep. David Trone (MD)	Rep. Tony Gonzales (TX)
Rep. Lauren Underwood (IL)	Rep. Julia Letlow (LA)*
Rep. Susie Lee (NV)	Rep. Stephanie Bice (OK)
Rep. Joe Morelle (NY)	Rep. Jerry Carl (AL)

Memorandum

February 9, 2023



House Appropriations Committee Membership (*denotes Health Subcommittee)	
Democrats	Republicans
	Rep. Juan Ciscomani (AZ)*
	Rep. Michael Cloud (TX)
	Rep. Andrew Clyde (GA)*
	Rep. Jake Ellzey (TX)*
	Rep. Scott Franklin (FL)
	Rep. Michael Guest (MS)
	Rep. Jake LaTurner (KS)*
	Rep. Ryan Zinke (MT)