

**Additional Races Called for 2018 Midterm Elections** – Representative Martha McSally (R) conceded the race for Arizona Senate seat to Democrat Rep. Krysten Sinema. Sinema served for five years in the US House and seven years in the Arizona legislature. During her campaign, she criticized McSally's 2017 vote to repeal the Affordable Care Act (ACA). Sinema, who voted with President Trump 62% of the time in the US House, will be the state's first female senator, and the first Democrat elected since 1988. She is succeeding Jeff Flake (R) who did not run for reelection. Venture capitalist Josh Harder (D) defeated incumbent Rep. Jeff Denham (R) in the race for California's 10<sup>th</sup> district. Denham was seeking a fifth term in Congress. Health care was a major focus of the campaign, with Harder contrasting his strong support for the health care law against Denham's vote to repeal it. Rep. Tom MacArthur (R-N.J.) also lost his seat to challenger Andy Kim (D) last week. Kim is a former national security official, who has stated that he was inspired to run for office because of MacArthur's role in securing House passage of legislation to repeal and replace the ACA. Brian Kemp (R) became Georgia's governor-elect and his opponent, Stacey Abrams (D), who was vying to become the first black woman governor in U.S. history, has signaled her intent to run for office in the future. Florida Gov. Rick Scott (R) defeated Sen. Bill Nelson (D) in the state's Senate race that necessitated two recounts. The hand recount indicated that Scott led Nelson by 0.15 percentage points. Next week, the final Senate race of the 2018 midterms will be decided in Mississippi in a runoff election between the Republican appointed incumbent, Cindy Hyde-Smith and the Democratic challenger, Mike Espy.

**Lawmakers Hold Congressional Leadership Elections** – Lawmakers returned to Washington last week, where dozens of newly elected members attended freshman orientation on Capitol Hill and lawmakers elected leaders for the 116<sup>th</sup> Congress.

Chuck Schumer (D-NY) was re-elected as the leader of the Senate Democrats. Dick Durbin (D-Ill.) will continue to serve as the party's whip, and Patty Murray (D-Wash.) will continue to serve as assistant Democratic leader. Debbie Stabenow (D-Mich.) will lead the Democratic Policy and Communications Committee, and Elizabeth Warren (D-Mass.) and Mark Warner (D-Va.) will continue serving as vice chairs of the conference. Schumer stated last week that lowering health care costs and improving coverage will be the top priority of Democrats in the 116<sup>th</sup> Congress.

Senate Republicans reelected Majority Leader Mitch McConnell (R-Ky.). John Thune (R-S.D.) was picked as the number two Republican and GOP whip. John Barrasso (R-Wyo.) will serve as Senate Republican Conference Chairman, Roy Blunt (R-Mo.) will be the Policy Committee Chairman, and Joni Ernst (R-Iowa) was elected vice chairwoman of the GOP conference.

Current House Majority Leader Kevin McCarthy (R-Calif.) defeated co-founder of the Freedom Caucus Jim Jordan (R-Ohio) in a race to lead House Republicans next year as the Minority Leader. McCarthy will succeed Paul Ryan (R-Wis.), who did not run for reelection, as the top Republican in the House. The vote was 159-43. Current Majority Whip Steve Scalise (R-La.) was elected Minority Whip. Mark Walker (R-N.C.) was elected GOP Conference Vice Chairman, and Jason Smith (R-Mo.) will continue serving as GOP Conference Secretary. Tom Emmer (R-Minn.)

was elected as Chairman of the National Republican Congressional Committee, and Gary Palmer (R-Ala.) will serve as GOP Policy Committee Chairman.

Leadership elections for House Democrats are scheduled to be held November 28. Nancy Pelosi (D-Calif.) is the leading candidate for Speaker of the House, though she is facing tougher than expected resistance. Marcia Fudge (D-Ohio) is considering a challenge.

**Committee Leaders Reveal Agendas for 2019** – Rep. Frank Pallone (D-N.J.), who is in line to become the chairman of the House Energy and Commerce Committee for the 116<sup>th</sup> Congress, stated last week that his top priorities will be allowing Medicare to negotiate drug prices and speeding the approval of less-expensive generic drugs. Pallone noted his support for the CREATES Act, in particular. CREATES would prohibit alleged tactics used by branded drug companies that prevent or delay generic competition from coming to market. Rep. Anna Eshoo (D-Calif.) announced her bid for chairmanship of the Health Subcommittee last week. Her priorities would include strengthening health insurance consumer protections, reducing the cost of health care and prescription drugs, and strengthening the Medicare and Medicaid programs.

Rep. Richard Neal (D-Mass.), who is set to chair the House ways and Means Committee next Congress, has said that his number one priority for the panel will be a vote on a bill to reinforce the ACA's protections for preexisting conditions. While it is not yet clear what such a bill would entail, members met last week to discuss the legislation. Rep. Mike Thompson (D-Calif.) or Lloyd Doggett (D-Texas) are the two most likely candidates for chairing the Health Subcommittee.

Sen. Chuck Grassley (R-Iowa) announced his decision to step down as chairman of the Senate Judiciary Committee, a post he has held since 2015, to lead the Senate Finance Committee. Grassley has said that he is looking forward to working on economic issues and reforming health care. Sen. Lindsey Graham (R-S.C.) is expected to be elected to lead the Judiciary Committee.

**Dec. 7 Deadline Approaches for Funding Parts of Federal Gov.** – Negotiations over appropriations for several major federal agencies is currently ensnared in a debate on funding for the construction of the President's proposed wall along the U.S. southern border. Congress faces a December 7 deadline to avoid a shutdown and fund the Transportation, Housing and Urban Development (HUD), State, Interior, Agriculture (including the Food and Drug Administration (FDA)), Treasury, Commerce, Homeland Security, and Justice departments. Lawmakers have already passed the other five appropriations bills necessary to fund the rest of the federal government for FY 2019. The Senate has reached a bipartisan agreement on \$1.6 billion for border security funding, but House Republicans and the White House are demanding at least \$5 billion. An official House-Senate conference on a four-bill package (H.R. 6147) has been underway for weeks. The legislation would combine Interior-Environment, Financial Services, Agriculture-FDA, and Transportation-HUD. House Republicans are also reportedly

considering an all-encompassing spending package that would tie funding for a southern border wall with hurricane and wildfire relief funds.

Separate complications could also arise, however, from Senate Democrats. Minority Leader Chuck Schumer (D-N.Y.) has threatened to tie legislation protecting Robert Mueller's investigation into Russian interference in the 2016 presidential election to the must-pass spending bill.

**Grassley, Durbin Push for Implementation of Drug Price Disclosure** – Sens. Chuck Grassley (R-Iowa) and Dick Durbin (D-Ill.) have [written](#) to HHS Secretary Alex Azar and CMS Administrator Seema Verma calling for the implementation of a proposed regulation that would require the disclosure of prescription drug prices in direct-to-consumer (DTC) advertising by pharmaceutical manufacturers. Grassley and Durbin characterize the proposal as a “bipartisan, common-sense strategy to boost competition and help Americans struggling with outrageously high and skyrocketing drug costs.” The lawmakers also wrote to the Government Accountability Office (GAO) requesting a study on the impact of consumer advertising on drug prices.

**Trump Nominates OIRA Official for DC Circuit Court** – President Trump has nominated Neomi Rao to fill the vacancy on the U.S. Court of Appeals for the District of Columbia Circuit left by Supreme Court Justice Brett Kavanaugh. The D.C. Circuit is regarded as one of the most important in the nation due to its consideration of most administrative law cases. Rao currently serves as the administrator of the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB). The office reviews all significant agency rules and enforces the White House's regulatory policies. Rao has enforced the President's deregulatory agenda during her time at OIRA, requiring agencies to take two deregulatory actions for every new rule issued. She was formerly a constitutional and administrative law professor, associate White House counsel under George W. Bush, and clerked for Justice Clarence Thomas. The Judiciary Committee will hold a hearing on her nomination before the Senate holds a confirmation vote.

**AMA Approves Prior Authorization Resolution** – The American Medical Association's (AMA) House of Delegates voted to approve a resolution urging the Trump administration to limit the use of prior authorization in Medicare Advantage and Medicaid managed care plans. The resolution also urges Congress to pass legislation on prior authorization. The AMA wants plans to list the services and medications that require prior authorization on a website, in addition to ensuring that patient informational materials disclose any prior authorization requirements. The AMA also supports standardization of prior authorization request forms, and health provider notification of any changes to prior authorization requirements at least 45 days in advance.

### **Upcoming Congressional Hearings and Meetings**

Senate Health, Education, Labor, and Pensions (HELP) Committee hearing to examine reducing health care costs, focusing on improving affordability through innovation; 10:00 a.m., 430 Dirksen Bldg.; November 28

Senate HELP Committee oversight hearing to examine the FDA, focusing on leveraging cutting-edge science and protecting public health; 10:00 a.m., 430 Dirksen Bldg.; December 5

House Committee on Veterans' Affairs hearing "Tracking Transformation: VA MISSION Act Implementation;" 10:00 a.m., 334 Cannon Bldg.; December 6

### **Recently Introduced Health Legislation**

H.R.7061 — To provide for the issuance of a Stamp Out Elder Abuse Semipostal Stamp; Sponsor: Rep. King, Peter T. [R-NY-2]; Committees: House - Oversight and Government Reform, Judiciary, Energy and Commerce, Ways and Means, Education and the Workforce

H.R.7063 — To amend the Public Health Service Act to provide for and support liver illness visibility, education, and research, and for other purposes; Sponsor: Rep. Velazquez, Nydia M. [D-NY-7]; Committees: House - Energy and Commerce

H.R.7083 — To amend title XVIII of the Social Security Act to provide for expanded coverage of services furnished by genetic counselors under part B of the Medicare program, and for other purposes; Sponsor: Rep. Paulsen, Erik [R-MN-3]; Committees: House - Energy and Commerce, Ways and Means

H.R.7084 — To amend title XVIII of the Social Security Act to increase hospital competition, and for other purposes; Sponsor: Rep. Banks, Jim [R-IN-3]; Committees: House - Energy and Commerce, Ways and Means, Judiciary

H.Res.1133 — Expressing support for the designation of the third Thursday in November as "National Pressure Ulcer/Injury Prevention Day" and promoting enhanced care coordination and prevention resources to reduce the development of pressure ulcers/injuries; Sponsor: Rep. Emmer, Tom [R-MN-6]; Committees: House - Energy and Commerce

H.Res.1135 — Raising awareness of the lifesaving role of three-dimensional (3D) digital breast tomosynthesis screening in detection and treatment of breast cancer; Sponsor: Rep. Paulsen, Erik [R-MN-3]; Committees: House - Energy and Commerce

H.R.7101 — To amend titles II and XIX of the Social Security Act remove the age limit on the Medicaid buy-program, to remove work restrictions on disabled adult children who have reached retirement age, and for other purposes; Sponsor: Rep. Welch, Peter [D-VT-At Large]; Committees: House - Ways and Means, Energy and Commerce

H.R.7103 — To authorize a pilot program under which the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, expands and intensifies surveillance of self-harm and suicidal ideation behavior in partnership with State and local public health departments, and for other purposes; Sponsor: Rep. Delaney, John K. [D-MD-6]; Committees: House - Energy and Commerce

H.R.7105 — To amend title 38, United States Code, to ensure that certain health care contractors of the Department of Veterans Affairs are subject to Federal tort claims laws, to improve the accountability of physicians of the Department, and for other purposes; Sponsor: Rep. Brat, Dave [R-VA-7]; Committees: House - Veterans' Affairs

H.R.7116 — To amend the Public Health Service Act to establish a grant program to provide self-harm and suicide prevention services in primary care offices, and for other purposes; Sponsor: Rep. DeSaulnier, Mark [D-CA-11]; Committees: House - Energy and Commerce

H.Con.Res.141 — Expressing the sense of Congress that public health professionals should be commended for their dedication and service to the United States on Public Health Thank You Day, November 19, 2018; Sponsor: Rep. Wittman, Robert J. [R-VA-1]; Committees: House - Energy and Commerce

H.R.7122 — To amend title III of the Public Health Service Act and titles XI and XVIII of the Social Security Act to accelerate the adoption of value-based payment and delivery arrangements among health care stakeholders intended to coordinate care, improve patient outcomes, share accountability, or lower costs, and for other purposes; Sponsor: Rep. Paulsen, Erik [R-MN-3]; Committees: House - Energy and Commerce, Ways and Means

S.3610 — A bill to amend title XVIII of the Social Security Act to establish a Medicare payment option for patients and eligible professionals to freely contract, without penalty, for Medicare fee-for-service items and services, while allowing Medicare beneficiaries to use their Medicare benefits; Sponsor: Sen. Paul, Rand [R-KY]; Committees: Senate – Finance

S.3616 — A bill to prohibit the use of restraints and restrictive housing on inmates during the period of pregnancy, labor and postpartum recovery, to collect data on incarcerated pregnant women in the United States and the results of such pregnancies, to address the health needs of incarcerated women related to pregnancy and childbirth, and for other purposes; Sponsor: Sen. Paul, Rand [R-KY]; Committees: Senate – Judiciary

S.3619 — A bill to amend title XVIII of the Social Security Act to restructure the payment adjustment for non-emergency ESRD ambulance transports under the Medicare program; Sponsor: Sen. Cassidy, Bill [R-LA]; Committees: Senate – Finance

S.3620 — A bill to require the Secretary of Defense to develop and implement a plan to provide chiropractic health care services for certain covered beneficiaries as part of the TRICARE program; Sponsor: Sen. Baldwin, Tammy [D-WI]; Committees: Senate - Armed Services

S.3621 — A bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the lower threshold for the medical expense deduction; Sponsor: Sen. Collins, Susan M. [R-ME]; Committees: Senate – Finance

H.R.7129 — To require the Secretary of Veterans Affairs to provide training in the use of medical cannabis for all Department of Veterans Affairs primary care providers, and for other purposes; Sponsor: Rep. Moulton, Seth [D-MA-6]; Committees: House - Veterans' Affairs

H.R.7130 — To provide for a Department of Veterans Affairs policy on medicinal cannabis, and for other purposes; Sponsor: Rep. Moulton, Seth [D-MA-6]; Committees: House - Veterans' Affairs

H.Res.1148 — Expressing support for the goals and ideas of "Stomach Cancer Awareness Month"; Sponsor: Rep. Brooks, Susan W. [R-IN-5]; Committees: House - Energy and Commerce

H.R.7136 — To amend section 28 of the Food and Nutrition Act of 2008 to include eating disorders prevention within the nutrition education and obesity prevention grant program and the local wellness program; and for other purposes; Sponsor: Rep. Adams, Alma S. [D-NC-12]; Committees: House - Agriculture, Education and the Workforce

H.R.7138 — To direct the Secretary of Veterans Affairs to establish an inter-agency task force on the use of Federal lands for medical treatment and therapy through outdoor recreation for veterans; Sponsor: Rep. Smith, Christopher H. [R-NJ-4]; Committees: House - Veterans' Affairs

S.Res.690 — A resolution affirming the importance of the Orphan Drug Act, applauding the life-saving accomplishments of the Act during its 35-year history, and recognizing the need to continue support for research and development of new therapies for rare diseases; Sponsor: Sen. Hatch, Orrin G. [R-UT]; Committees: Senate - Health, Education, Labor, and Pensions

S.Res.703 — A resolution expressing support for the goals of Stomach Cancer Awareness Month; Sponsor: Sen. Young, Todd C. [R-IN]; Committees: Senate - Health, Education, Labor, and Pensions