



## **Where Things Stand**

On August 10<sup>th</sup>, 2021, after months of negotiation, the Senate finally passed the \$1 trillion dollar bipartisan infrastructure bill by a vote of 69 to 30. The vote was uncommonly bipartisan and even included Minority Leader Mitch McConnell (R-KY) in the yes votes. The vote proves that there is at least some willingness to work in a bipartisan manner in the Senate. Bipartisanship was also a main focal point of President Biden's throughout the 2020 campaign. He consistently advocated for increased bipartisanship in order to serve all Americans regardless of political party.

However, the bipartisan infrastructure bill is still likely to face a rocky path in the House of Representatives, where Speaker of the House Nancy Pelosi (D-CA) will have to unite a larger and broader Democratic caucus behind both the bipartisan infrastructure bill and a potential reconciliation bill. Many House progressives have made it clear that they will not support a bipartisan infrastructure bill without first moving on a larger reconciliation bill, which will likely be significantly larger and contain many more Democratic priorities including President Biden's health agenda and more substantial investments in climate and clean energy. After passage of the bipartisan infrastructure bill out of the Senate, Speaker Pelosi indicated that she would only bring the bill up for a vote in tandem with a broader reconciliation bill.

On the moderate side of the Democratic caucus, a group of 9 House moderates, led by Rep. Josh Gottheimer (D-NJ), attempted to force Speaker Pelosi to bring the bipartisan infrastructure bill up for a vote immediately by threatening to tank the budget that would ultimately lead to a reconciliation bill. Ultimately, Speaker Pelosi and the group of 9 came to an agreement that the moderates would support the \$3.5 trillion budget and in exchange Speaker Pelosi promised to bring the bipartisan infrastructure bill up for a vote by September 27, 2021.

In order to keep progressives happy, Speaker Pelosi reiterated that it is still her intention to pass both the bipartisan infrastructure bill and budget reconciliation in tandem by the end of September.

## **Here Comes Reconciliation**

On August 10<sup>th</sup> and 11<sup>th</sup>, both the House and the Senate passed the \$3.5 trillion budget resolution, a non-binding framework that contains reconciliation instructions for Congress. As a quick refresher, budget reconciliation uses the Congressional budget process to implement monetary policy that has to do with taxation, spending, or debt into law. The process only

requires a simple majority of 51 votes in the Senate rather than the traditional 60 to break a filibuster. Should every single Democrat in the Senate, plus Vice President Kamala Harris, vote for the reconciliation bill, it will be sent to the President and signed into law. The process starts by both Chambers of Congress passing a budget resolution for the FY2022, which occurred earlier this month.

Senator Bernie Sanders (I-VT), Chairman of the Senate Budget Committee, has already released a budget resolution framework that will serve as directions to committees of jurisdiction for reconciliation. The framework includes:

### **Committee on Health, Education, Labor, and Pensions**

#### **The HELP Committee receives an instruction of \$726 billion.**

- Universal Pre-K for 3 and 4-year olds
- Child care for working families
- Tuition-free community college
- Investments in HBCUs, MSIs, HSIs, TCUs, and ANNHIs
- Increase the maximum Pell grant award
- School infrastructure, student success grants, and educator investments
- Investments in primary care, including Community Health Centers, the National Health Service Corps, the Nurse Corps, and Teaching Health Center Graduate Medical Education
- Health equity (maternal, behavioral, and racial equity health investments)
- Pandemic preparedness
- Workforce development and job training
- Labor enforcement and penalties
- Civilian Climate Corps funding
- Research infrastructure, including for HBCUs, MSIs, HSIs, TCUs, and ANNHIs

### **Committee on Finance**

The Finance Committee will receive an instruction that requires at least \$1 billion in deficit reduction. This will provide the Committee with flexibility to make investment, revenue and offset decisions consistent with the policy recommendations.

#### **Investments**

- Paid Family and Medical Leave
- ACA expansion extension and filling the Medicaid Coverage Gap
- Expanding Medicare to include dental, vision, hearing benefits and lowering the eligibility age
- Addressing health care provider shortages (Graduate Medical Education)
- Child Tax Credit/EITC/CDCTC extension
- Long-term care for seniors and persons with disabilities (HCBS)
- Clean energy, manufacturing, and transportation tax incentives
- Pro-worker incentives and worker support

- Health equity (maternal, behavioral, and racial justice health investments)
- Housing incentives
- SALT cap relief
- Other investments within the jurisdiction of the Finance Committee

Read the summary on the reconciling instructions [here](#).

Read the resolution text [here](#).

Read the committee print to accompany the FY22 budget resolution [here](#).

## **Appropriations Update**

On August 4<sup>th</sup>, 2021, the Senate Appropriations Committee held its first markups for a number of the FY2022 funding bills. The Committee advanced the Agriculture, Energy and Water, and Military Construction and Veterans Affairs funding legislation with strong bipartisan support. The next step for this package of funding legislation is to be considered by the full Senate. However, the Committee has yet to take up the Labor, Health, and Human Services and Defense spending bills as they will likely contain more controversial Democratic priorities.

Instead of bringing these pieces of legislation to the floor, the Senate could potentially go straight to conference with the House, which passed a 7-bill appropriations package on July 29<sup>th</sup>, 2021. This would mean that the Senate doesn't vote on any of its own funding legislation and rather will work to come to a legislative agreement with the House of Representatives before voting. Once that agreement is reached, both Chambers will then vote on the Conference Report and should it pass, the funding bill will be sent to President Biden's desk for signature.

With the budget reconciliation process taking up much of Congress' time, it is unlikely that Congress completes the funding process by September 30, 2021, which is when the fiscal year is over and the federal government officially runs out of money. It is likely that Congress will have to pass a short term Continuing Resolution that would fund the government at FY2021 levels until expiration.

PRG will continue to monitor the situation and provide updates as necessary.

## **Surprise Billing Update**

In late August, 60 consumer groups and employer organizations sent a letter to the Biden administration asking that the administration close surprise billing loopholes in the forthcoming surprise billing rule. The groups are most concerned that arbitration could benefit private businesses and hospitals but won't necessarily benefit the consumers that the rule is supposed to be protecting.

24 House Democrats penned a similar letter at the beginning of August, urging the Biden administration to close any potential loopholes when drafting the rules and regulations for the surprise billing ban. There remains a concern in Congress that patients will still receive surprise bills due to arbitration.

## **Credit for Caring Act**

On May 18, 2021, Senator Joni Ernst (R-IA), along with Senators Michael Bennet (D-CO), Shelley Moore Capito (R-WV), and Elizabeth Warren (D-MA) reintroduced the Credit for Caring Act, which would provide a maximum credit of up to \$5,000 for family caregivers. A companion bill was introduced in the House of Representatives by Rep. Linda Sanchez (D-CA).

Family caregivers often incur significant expenses as a result of providing for a loved one. As a result, they are often financially burdened. The Credit for Caring Act would provide financial relief and help offset some of the expenses.

The Credit for Caring Act would:

- Create up to a \$5,000 nonrefundable tax credit adjusted to inflation for family caregivers
- Apply to incurred family caregiving expenses greater than \$2,000

Under the bill, qualifying care recipients must have been certified by a health care practitioner to be in need of long-term care for at least 180 consecutive days. Eligibility is limited to a caregiver of a qualified care recipient who must pay for caregiving expenses and has earned income in excess of \$7,500. Credit is phased out when income exceeds \$150,000 for joint filers or \$75,000 for individual filers.

View the bill text [HERE](#).

View Sen. Ernst's press release [HERE](#).

## **Drug Pricing Update**

Throughout August, President Biden has aggressively called on Congress to address drug pricing in the upcoming reconciliation bill. Specifically, he is asking Congress to let Medicare negotiate drug prices, a key component of House Democrats comprehensive drug pricing overhaul bill H.R. 3 – Elijah E. Cummings Lower Drug Costs Now Act. However, while H.R. 3 passed the House during the 116<sup>th</sup> Congress, there are now some moderate Democrats in both the House and the Senate who don't support the move to allow Medicare to negotiate drug prices.

While some moderate Democrats do not support Medicare negotiated prices, President Biden argues that the American people overwhelmingly do, making the provision a "must have" in any budget reconciliation bill. Currently, Senator Ron Wyden (D-OR), Chairman of the Senate Finance Committee, is working on his own drug pricing legislation that would likely be less far reaching than H.R. 3 in an effort to make sure all Democrats in the Senate are on board. Because the Senate is split 50-50, Senate Democrats cannot afford to lose a single vote.

President Biden has not endorsed specific legislation, however he expects the issue to be addressed by Congress in reconciliation.

PRG will continue to provide updates on the issue as necessary.

## Up to Date List of Drug Related Legislation for the 117<sup>th</sup> Congress

- [S. 2595](#) - **Drug Shortages Prevention and Quality Improvement Act**  
This bill, introduced by Senator Ben Cardin (D-MD) on August 4, 2021, address prescription drug shortages and improve the quality of prescription drugs, and for other purposes.
- [H.R. 4991](#) - **Affordable Pricing for Taxpayer-Funded Prescription Drugs Act of 2021**  
This bill, introduced by Rep. Peter DeFazio (D-OR) on August 10, 2021, requires persons who undertake federally funded research and development of a biomedical product or service to enter into reasonable pricing agreements with the Secretary of Health and Human Services, and for other purposes.
- [H.R. 5099](#) - **Lowering Medicare Premiums and Prescription Drug Costs Act**  
This bill, introduced by Rep. Bradley Schneider (D-IL) on August 24, 2021, amends title XVIII of the Social Security Act to move Medicare cost-sharing benefits from Medicaid to Medicare, and for other purposes.
- [H.R. 3662](#)  
This bill, introduced by Rep. Morgan Griffith (R-VA) on June 1, 2021, amends the Federal Food, Drug, and Cosmetic Act to ensure patients have access to certain urgent-use compounded medications, and for other purposes.
- [H.R. 3761](#)  
This bill, introduced by Rep. Mike Gallagher (R-WI) on June 8, 2021, amends the Federal Food, Drug, and Cosmetic Act to establish a time-limited provisional approval pathway, subject to specific obligations, for certain drugs and biological products, and for other purposes.
- [H.R. 3927](#) and [S. 2082](#)  
This bill, introduced by Rep. Buddy Carter (R-GA) and Sen. Tim Scott (R-SC) on June 16, 2021, mitigates drug shortages and provide incentives for maintaining, expanding, and relocating the manufacturing of active pharmaceutical ingredients, excipients, medical diagnostic devices, pharmaceuticals, and personal protective equipment in the United States, and for other purposes.
- [S. 2257](#)  
This bill, introduced by Sen. Jacky Rosen (D-NV) on June 24, 2021, provides Federal support for nonprofit generic and essential medicine and device manufacturers to increase the availability of drugs and devices in order to reduce drug or device shortages and drug and device costs.
- [S. 2304](#)  
This bill, introduced by Sen. Dick Durbin (D-IL) on June 24, 2021, amends title XI of the Social Security Act to require that direct-to-consumer advertisements for prescription drugs and biological products include an appropriate disclosure of pricing information.
- [H.R. 4121](#)

This bill, introduced by Rep. Jody Arrington (R-TX) on June 24, 2021, codifies a final rule issued by the Secretary of Health and Human Services relating to fraud and abuse and the removal of safe harbor protection for certain drug rebates, and for other purposes.

- [H.R. 4158](#)  
This bill, introduced by Rep. Bobby Rush (D-IL) on June 24, 2021, amends titles XVIII and XIX of the Social Security Act to eliminate cost sharing with respect to coverage of insulin as a covered part D drug under the Medicare program or as a covered outpatient drug under the Medicaid program.
- [H.R. 4287](#)  
This bill, introduced by Rep. Greg Murphy (R-NC) on June 30, 2021, directs the Comptroller General of the United States to conduct a study on how direct-to-consumer pharmaceutical advertising negatively impacts drug costs to consumers, and for other purposes.
- [S. 1644](#)  
This bill, introduced by Sen. Mike Braun (R-IN) on May 13, 2021, amends the Federal Food, Drug, and Cosmetic Act to establish a time-limited provisional approval pathway, subject to specific obligations, for certain drugs and biological products, and for other purposes.
- [S. 1645](#)  
This bill, introduced by Sen. Mike Braun (R-IN) on May 13, 2021, provides for an accelerated approval pathway for certain drugs that are authorized to be lawfully marketed in other countries.
- [H.R. 3203](#)  
This bill, introduced by Rep. Doris Matsui (D-CA) on May 13, 2021, enables certain hospitals that were participating in or applied for the drug discount program under section 340B of the Public Health Service Act prior to the COVID-19 public health emergency to temporarily maintain eligibility for such program, and for other purposes.
- [S. 1773](#)  
This bill, introduced by Sen. Bob Casey (D-PA) on May 20, 2021, amends title XI of the Social Security Act to establish internet website-based dashboards to allow the public to review information on spending for, and utilization of, prescription drugs and biologicals covered under the Medicare and Medicaid programs.
- [H.R. 3437](#)  
This bill, introduced by Rep. Bobby Rush (D-IL) on May 20, 2021, requires the Secretary of Health and Human Services to guarantee BioBonds in order to provide funding for loans to eligible biomedical companies and universities to carry out clinical trials approved by the Food and Drug Administration, and for other purposes.
- [H.R. 2344](#)

This bill, introduced by Rep. Tim Ryan (D-OH) on April 1, 2021, requires the use of prescription drug monitoring programs.

- [H.R. 2484](#)  
This bill, introduced by Rep. Katie Porter (D-CA) on April 13, 2021, amends title XXVII of the Public Health Service Act and title XVIII of the Social Security Act to require pharmacies to disclose any differential between the cost of a prescription drug based on whether certain individuals use prescription drug coverage to acquire such drug, and for other purposes.
- [S. 1124](#)  
This bill, introduced by Sen. Marsha Blackburn on April 14, 2021, preserves non-interference under the Medicare part D Prescription Drug Benefit program.
- [H.R. 2608](#)  
This bill, introduced by Rep. Peter Welch (D-VT) on April 15, 2021, amends title XVIII of the Social Security Act to ensure equal access of Medicare beneficiaries to community pharmacies in underserved areas as network pharmacies under Medicare prescription drug coverage, and for other purposes.
- [H.R. 2623](#)  
This bill, introduced by Rep. Josh Gottheimer (D-NJ) on April 16, 2021, amends the Internal Revenue Code of 1986 to restore the amount of the orphan drug tax credit, and for other purposes.
- [H.R. 2706](#)  
This bill, introduced by Rep. Katie Porter (D-CA) on April 20, 2021, amends title XVIII of the Social Security Act to require drug manufacturers to pay a Medicare part B rebate for certain drugs if the price of such drugs increases faster than inflation.
- [H.R. 2829 and S. 1323](#)  
This bill, introduced by Rep. Peter Welch (D-VT) and Sen. Jeff Merkley (D-OR) on April 22, 2021, requires the Secretary of Health and Human Services to establish reference prices for prescription drugs for purposes of Federal health programs, and for other purposes.
- [S. 1366](#)  
This bill, introduced by Sen. Elizabeth Warren (D-MA) on April 26, 2021, secures the supply of drugs in the United States, and for other purposes.
- [H.R. 2846](#)  
This bill, introduced by Rep. David McKinley (R-WV) on April 27, 2021, amends title XVIII of the Social Security Act to require PDP sponsors of a prescription drug plan under part D of the Medicare program that use a formulary to include certain generic drugs and biosimilar biological products on such formulary, and for other purposes.
- [H.R. 2853](#)

This bill, introduced by Rep. Kurt Schrader (D-OR) on April 27, 2021, amends the Federal Food, Drug, and Cosmetic Act, with respect to eligibility for approval of a subsequent generic drug, to remove the barrier to that approval posed by the 180-day exclusivity period afforded to a first generic applicant that has not yet received final approval, and for other purposes.

- [S. 1425](#)  
This bill, introduced by Sen. Amy Klobuchar (D-MN) on April 28, 2021, enables the Federal Trade Commission to deter filing of sham citizen petitions to cover an attempt to interfere with approval of a competing generic drug or biosimilar, to foster competition, and facilitate the efficient review of petitions filed in good faith to raise legitimate public health concerns, and for other purposes.
- [S. 1428](#)  
This bill, introduced by Sen. Amy Klobuchar (D-MN) on April 28, 2021, prohibits brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and to prohibit biological product manufacturers from compensating biosimilar and interchangeable companies to delay the entry of biosimilar biological products and interchangeable biological products.
- [H.R. 2868](#)  
This bill, introduced by Rep. G.K. Butterfield (D-NC) on April 28, 2021, amends title XIX of the Social Security Act to prohibit additional rebates under the Medicaid program for certain noninnovator multiple source drugs.
- [H.R. 2870](#)  
This bill, introduced by Rep. Buddy Carter (R-GA) on April 28, 2021, amends the Public Health Service Act to provide for stockpiles to ensure that all Americans have access to generic drugs at risk of shortage, and for other purposes.
- [H.R. 2883](#)  
This bill, introduced by Rep. Hakeem Jeffries (D-NY) on April 28, 2021, enables the Federal Trade Commission to deter filing of sham citizen petitions to cover an attempt to interfere with approval of a competing generic drug or biosimilar, to foster competition and facilitate the efficient review of petitions filed in good faith to raise legitimate public health concerns, and for other purposes.
- [H.R. 2891](#)  
This bill, introduced by Rep. Jerry Nadler (D-NY) on April 28, 2021, prohibits prescription drug companies from compensating other prescription drug companies to delay the entry of a generic drug, biosimilar biological product, or interchangeable biological product into the market.
- [S. 1462](#)  
This bill, introduced by Sen. Bill Cassidy on April 29, 2021, amends the Federal Food, Drug, and Cosmetic Act to simplify the generic drug application process.

- [S. 1463](#)  
This bill, introduced by Sen. Bill Cassidy on April 29, 2021, amends the Federal Food, Drug, and Cosmetic Act to modernize therapeutic equivalence rating determinations.
- [S. 1508](#)  
This bill, introduced by Sen. Roger Marshall (R-KS) on April 29, 2021, provides for the use of emergency use authorization data and real world evidence gathered during an emergency to support premarket applications for drugs, biological products, and devices, and for other purposes.
- [S. 1523](#)  
This bill, introduced by Sen. Mike Braun (R-IN) on April 29, 2021, amends title XI of the Social Security Act and title XXVII of the Public Health Service Act to establish requirements with respect to prescription drug benefits.
- [H.R. 2148](#)  
This bill, introduced by Rep. Ro Khanna (D-CA) on March 23, 2021, aims to significantly lower prescription drug prices for patients in the United States by ending government-granted monopolies for manufacturers who charge drug prices that are higher than the median prices at which the drugs are available in other countries.
- [S. 909](#)  
This bill, introduced by Sen. Bernie Sanders (I-VT) on March 23, 2021, aims to significantly lower prescription drug prices for patients in the United States by ending government-granted monopolies for manufacturers who charge drug prices that are higher than the median prices at which the drugs are available in other countries.
- [S. 898](#)  
This bill, introduced by Sen. Tammy Baldwin (D-WI) on March 23, 2021, requires reporting regarding certain drug price increases, and for other purposes.
- [S. 833](#)  
This bill, introduced by Sen. Amy Klobuchar (D-MN) on March 18, 2021, amends XVII of the Social Security Act to allow the Secretary of Health and Human Services to negotiate fair prescription drug prices under part D of the Medicare program.
- [H.R. 597](#)  
This bill, introduced by Rep. Jan Schakowsky (D-IL) on January 28, 2021, requires any COVID-19 drug developed in whole or in part with Federal support to be affordable and accessible by prohibiting monopolies and price gouging, and for other purposes.
- [S. 141](#)  
This bill, introduced by Sen. Jeanne Shaheen (D-NH) on January 28, 2021, amends the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription drugs.
- [H.R. 153](#)

This bill, introduced by Rep. Bobby Rush (D-IL) on January 4, 2021, prohibits brand name drug manufacturers from compensating generic drug manufacturers to delay the entry of a generic drug into the market, and to prohibit biological product manufacturers from compensating biosimilar and interchangeable product manufacturers to delay entry of biosimilar and interchangeable products, and for other purposes.

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## **In The News**

[Politico](#) (8/27/2021): **CBO REPORT LAYS OUT DRUG NEGOTIATION STAKES** — Fewer early-stage drugs are expected to come to market if Speaker Nancy Pelosi's negotiation bill, H.R. 3, goes into effect — but it's not as bad as people might think, the Congressional Budget Office found in a Thursday report.

[The Hill](#) (8/25/2021): **Democrats eye new federal coverage program in states declining Medicaid expansion** - Congressional Democrats are likely to create a new federal program in their coming package to provide health insurance coverage in states that have declined to expand Medicaid, following a transition period to set up the new program, aides and advocates say.

[Modern Healthcare](#) (8/25/2021): **Insurers to get a break on price transparency, surprise billing** - Experts have long been skeptical that insurers would be ready to follow the transparency rule by the start of 2022. The Biden administration is giving them more time, according to new guidance.

[Modern Healthcare](#) (8/25/2021): **Patients and providers at odds over future of digital and virtual healthcare tools** - New survey findings show a narrowing divide between how patients want healthcare and how providers are delivering those services.

[Modern Healthcare](#) (8/25/2021): **Telehealth's new role: Down from pandemic peaks, but higher than before COVID-19** - Given the dramatic growth in patient demand for telehealth, Northeast Ohio hospitals are preparing to continue offering virtual options and, in some cases, are looking to innovate with that technology.

[Politico](#) (8/25/2021): **PATIENT GROUPS PRESS BIDEN ON SURPRISE BILLING DETAILS** — Nearly 60 consumer and employer organizations penned a letter to HHS Sec. Xavier Becerra, Treasury Sec. Janet Yellen and Labor Sec. Marty Walsh, looking for reassurances that surprising billing loopholes would be closed in the administration's looming rule.

[Politico](#) (8/25/2021): **DEMS' SPENDING PLAN MOVES AHEAD** — It took several days of high drama and some late-night negotiating, but House Democrats finally have their \$3.5 trillion budget back on track.

[Politico](#) (8/24/2021): **ANTITRUST TRIAL OVER CANCER TEST** — Cancer startup Grail says its blood test could revolutionize early cancer detection and save 10,000 lives a year. Standing in

the way, it argues, are antitrust prosecutors at the Federal Trade Commission who have challenged the firm's \$7 billion merger with sequencing giant Illumina.

[Modern Healthcare](#) (8/24/2021): **Digital connectivity and equity are increasingly seen as vital to health** - There has been a "groundswell" of recognition to include digital connectivity as a social determinant of health—the economic and social conditions that impact health.

[Politico](#) (8/24/2021): **PELOSI TRIES TO WOO MODERATES ON BUDGET FRAMEWORK** — House Speaker Nancy Pelosi floated a deal to the leader of a centrist group of defectors that she hopes will end a party standoff and clear the way for the \$3.5 trillion budget framework, Heather Caygle and Sarah Ferris report.

[Politico](#) (8/23/2021): **BIDEN LEANS ON DRUG PRICING TO SELL SPENDING BILL** — The White House is trying to build support for its \$3.5 trillion spending package by selling skeptical Democrats on the one element that's projected to save money: a sweeping drug price overhaul.

[Politico Pro](#) (8/22/2021): **White House to House Dems: Drug price plan is a winning issue** - The White House is aggressively touting the political benefits of President Joe Biden's plan to lower the cost of prescription drug prices, setting up the issue as a likely focal point of Congress' budget debate when the House returns this week.

[Politico Pro](#) (8/20/2021): **FDA, generics industry near the finish line on negotiations** — Recently published meeting minutes indicate that representatives of the generic pharmaceutical industry and the FDA are relatively close to an agreement on the terms of the next iteration of the Generic Drug User Fee Act (GDUFA).

[Modern Healthcare](#) (8/20/2021): **It's time to get ready for the surprise billing ban, experts say** - The Biden administration hasn't released essential details about how the No Surprises Act will work. But providers need to start preparing for the new rules now—and most aren't ready.

[The Hill](#) (8/19/2021): **Johnson & Johnson CEO to leave role in January** - Johnson & Johnson announced on Thursday that its current CEO Alex Gorsky will step down from his role and Joaquin Duato will take the helm in January.

[The Hill](#) (8/19/2021): **House Democrats press insulin manufacturers for lower prices** - Democratic leaders of the House Energy and Commerce Committee ramped up pressure on three major insulin manufacturers on Thursday to push to reduce the cost of the diabetes treatment.

[Modern Healthcare](#) (8/18/2021): **School-based telehealth centers bridge gaps in care** - School-based telehealth centers have become an easier way for institutions to provide care for students in rural areas and their communities at lower costs.

[Axios](#) (8/18/2021): **Disparities in health spending** - Per-person health spending is highest for white individuals compared to patients of other races, even after adjusting for factors like age and health conditions, according to a study led by the Institute for Health Metrics and Evaluation in Seattle.

[Politico](#) (8/17/2021): **MERCK RESTRICTS 340B DRUG DISCOUNT PROGRAM** — The drug company has notified hospitals that partner with community pharmacies that it will no longer honor 340B program discounts or chargebacks for institutions that don't provide 340B claims data unless they lack an in-house pharmacy. Merck now joins companies like AstraZeneca that have limited honoring discounts through the program. The Supreme Court will consider a challenge to the program next term.

[Politico](#) (8/17/2021): **BECERRA TAKES BIDEN'S DRUG PLAN ON THE ROAD** — The HHS Secretary appeared in New Jersey Monday to tout President Joe Biden's proposal to slash drug costs, days after Biden's White House speech positioning drug pricing and Medicare negotiation as some of his top policy goals.

[The Hill](#) (8/14/2021): **Obama urges people to sign up for ObamaCare before Sunday deadline** - Former President Obama on Saturday encouraged Americans to sign up for ObamaCare before the enrollment deadline on Sunday.

[Modern Healthcare](#) (8/13/2021): **Biden pushes Congress to lower drug prices** - President Joe Biden wants Congress to give Medicare the power to directly negotiate drug prices and to cap beneficiaries' out-of-pocket costs for medicines.

[Politico](#) (8/13/2021): **WHITE HOUSE KICKS OFF DRUG PRICE REFORM PUSH** — Biden appealed to Congress on Thursday to pass ambitious legislation allowing Medicare to negotiate drug prices and cap out-of-pocket costs. But his 20-minute speech from the White House was vague on exactly what form those Medicare negotiations should take — a reflection of the protracted debate happening on the other end of Pennsylvania Avenue, Sarah writes.

[The Hill](#) (8/12/2021): **Biden calls on Congress to act on 'outrageously' high drug prices** - President Biden on Thursday called on Congress to act to lower the "outrageously" high price of prescription drugs as lawmakers prepare to press forward on the issue.

[Politico Pro](#) (8/12/2021): **Biden wants Congress to let Medicare negotiate drug prices** - President Joe Biden is pressing Congress to pass legislation allowing Medicare to negotiate drug prices and other reforms to slash costs.

[Modern Healthcare](#) (8/12/2021): **Groups make own drugs to fight high drug prices, shortages** - U.S. hospital groups, startups and nonprofits have started making their own medicines in a bid to combat stubbornly high prices and persistent shortages of drugs with little competition.

[Politico](#) (8/12/2021): **HEALTH ADVOCATES CALL FOR MAJOR DRUG-PRICE CRACKDOWN** — Dozens of consumer advocacy groups want the Biden administration to take drastic action on pharmaceutical prices, arguing it should be willing to break drug patents to keep costs low.

[Politico](#) (8/12/2021): **DEM TENSIONS RISE OVER SPENDING PACKAGE PLAN** — Speaker Nancy Pelosi has made herself clear: There'll be no infrastructure vote without a \$3.5 trillion spending package waiting in the wings.

[The Hill](#) (8/12/2021): **Biden to deliver 'forceful' call for Congress to lower drug prices** - President Biden on Thursday will deliver a "forceful" call for Congress to act to lower

prescription drug prices, a White House official said, as the president shines a spotlight on a key part of Democrats' upcoming spending package.

[Politico](#) (8/11/2021): **ONE DOWN, ONE TO GO** — President Joe Biden finally got what he'd spent months chasing: a bipartisan infrastructure deal shoring up the nation's roads and bridges that also proved Washington can still come together to get things done.

[Axios](#) (8/10/2021): **Waiting for Biden's drug pricing plan** - The Biden administration axed Trump's proposed rule that would have tied some Medicare drug prices to lower overseas prices. But that regulation in its current form had almost no chance of being enacted, Axios' Bob Herman writes.

[Axios](#) (8/10/2021): **Dems' high-stakes fight against pharma** - Democrats' proposed expansions to health coverage and other patient-friendly policies released Monday are reliant on successfully taking on one of Washington's most powerful industries: pharmaceutical companies.

[Politico](#) (8/10/2021): **BIPARTISAN BILL VOTE TODAY** — Senate Majority Leader Chuck Schumer said Monday that the bipartisan infrastructure package is on a "glide path for passage tomorrow" (maybe even by the time you're reading this).

[Modern Healthcare](#) (8/9/2021): **Biden to pull the plug on 'most favored nation' drug rule** - The Trump-era demonstration would have tied Medicare outpatient drug pay to drug prices in other wealthy countries.

[Axios](#) (8/9/2021): **Telehealth decline stabilizes** - Telehealth use in the U.S. stabilized in May following three months of decline earlier this year, according to FAIR Health's Monthly Telehealth Regional Tracker provided first to Axios.

[Politico](#) (8/9/2021): **Obamacare architect floated for top FDA job** - Biden administration officials involved in the lengthy search for a permanent Food and Drug Administration commissioner have discussed University of Pennsylvania bioethicist Ezekiel Emanuel as a candidate to lead the agency, according to four people with knowledge of the deliberations.

[Politico](#) (8/9/2021): **DEMS' BUDGET RESOLUTION ON THE HORIZON** — Senate Budget Chair Bernie Sanders plans to release the budget framework for Democrats' \$3.5 trillion social spending bill this week — and the Senate is expected to take it up before breaking for August recess.

[Modern Healthcare](#) (8/6/2021): **Bipartisan infrastructure bill would extend Medicare cuts to providers** - The bill proposes a 4% cut to Medicare payment rates for the first six months of 2031 in part to pay for more than \$500 billion in new spending on roads, bridges, and other surface infrastructure.

[Bloomberg](#) (8/6/2021): **HEALTH CARE BRIEFING: GOP Senators May Invoke Byrd on Drug Bill** - Groups that want commercial health plans to benefit from legislation under consideration that would allow Medicare to negotiate drug prices are worried that some Senate Republicans may try to sabotage their efforts in an attempt to kill the legislation.

[Axios](#) (8/6/2021): **Seven-figure sparring over drug prices** - Leading drug industry group PhRMA launched a seven-figure ad attack Thursday in the brewing battle over Medicare's ability to negotiate drug prices, saying negotiation would actually take away options from seniors.

[Politico](#) (8/6/2021): **DEMS STEP UP PUSH FOR DRUG OVERHAUL** — A dozen Senate Democrats are urging the party to include a sweeping crackdown on drug prices in their forthcoming spending package, arguing that it represents a prime opportunity to give Medicare the power to negotiate the cost of medicines.

[Politico](#) (8/6/2021): **THE SENATE NEARS AN INFRASTRUCTURE DEAL** — After weeks of negotiations, Senate leaders are finally nearing a deal to pass a bipartisan spending package aimed at shoring up the nation's roads, bridges and other infrastructure.

[Politico](#) (8/5/2021): **HOUSE DEMOCRATS: NO SURPRISE BILLING SURPRISES** — Two dozen House Democrats penned a letter to HHS Secretary Xavier Becerra and the Labor and Treasury secretaries urging the departments to close potential loopholes as they draft regulations to implement the surprise billing ban passed into law last year.

[Politico](#) (8/5/2021): **DELAURO BUILDS A BASE IN KEY HOUSE ROLE** — Appropriations Chair Rosa DeLauro (D-Conn.), faced with one of the House's toughest jobs, has nevertheless racked up a slew of centrist allies as she gathers support for massive appropriations moves, Sarah Ferris and Heather Caygle write.

[Politico](#) (8/5/2021): **DEMS' HEALTH CARE DREAMS SLAM INTO FISCAL REALITY** — Top Democrats on Capitol Hill have begun openly admitting there won't be enough funding in the 3.5 trillion budget bill, which could drop as early as this week, to cover all the health policy plans they've promised voters and which they're counting on to help them hold the majority in next year's midterm elections.

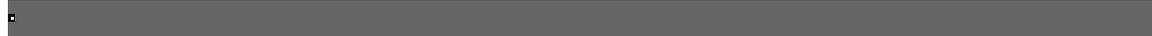
[Inside Health Policy](#) (8/4/2021): **GOP Hopes To Sink Reconciliation By Denying Employers Govt. Drug Prices** - Republican senators hope to unravel Democrats' budget reconciliation bill by arguing that extending Medicare-negotiated drug prices to the commercial market would not produce major savings for the government and therefore isn't allowed in the package, according to lobbyists for employers. The house-of-cards approach is not a sure thing, but it worries backers of Medicare drug price negotiation because that provision is expected to be the main way Democrats pay for health care reforms in their \$3.5 trillion bill, and employers would oppose the bill if they were left with higher drug prices than Medicare.

[Politico](#) (8/3/2021): **SCHUMER THREATENS AUGUST IN D.C. TO MOVE INFRASTRUCTURE PACKAGE** — With the upper chamber closing in on President Joe Biden's long-sought, \$550 billion bipartisan infrastructure plan and readying a budget to set up a companion \$3.5 trillion domestic spending plan, Majority Leader Chuck Schumer has a simple weapon: Keeping senators in Washington until they finish the job.

[Bloomberg](#) (8/3/2021): **House Democrats Expect Drug Price Cap to Cover Employer Plans** - House Democrats agree with employer, labor, and consumer groups that commercial health plans should be included in legislation designed to curb drug prices, according to sources.

[Politico Pro](#) (8/2/2021): **DEMOCRATS PUSH HHS TO LOWER DRUG PRICES** — A new letter to Health and Human Services Secretary Xavier Becerra from Sens. Elizabeth Warren (D-Mass.), Amy Klobuchar (D-Minn.) and Rep. Lloyd Doggett (D-Texas) urges HHS to use its administrative authorities to lower drug prices.

[Politico](#) (8/2/2021): **WHAT'S IN — AND OUT — OF THE BIPARTISAN INFRASTRUCTURE BILL** — The long-awaited bill unveiled Sunday evening secures victories for both the pharmacy benefit and provider lobbies.



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