



11/20/24

## Road to the 119th Congress

Welcome to the second edition of the National Council's **Road to the 119th Congress** series. Between now and January 2025, we're tracking the results of the Nov. 5 election and updating you biweekly about federal legislative and regulatory policy, the appropriations processes, potential appointments and priorities throughout the change from the 118th to 119th Congress.

Note: This message supplements [CapCon](#), our weekly federal policy and regulatory update.

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### Key Upcoming Event

- **The National Council will hold an exclusive member webinar Thursday, Nov. 21, 1 p.m. ET** to discuss the election and examine its potential impact on federal mental health and substance use policy. The webinar will also provide updates on recently finalized federal rules, including the Department of Labor's overtime rule, the tri-

agency parity rule and the 2025 Medicare Physician Fee Schedule rule. [Register today](#).

## 2024 Election Update

- **Republicans secure House majority, achieve trifecta:** Since our last update, [Republicans officially won enough House seats](#) to secure a majority. Though there are several races yet to be officially called, Republicans and Democrats each flipped seven seats apiece, enough to maintain a slim Republican majority. This ensures Republicans will control the House, Senate, and the Presidency for at least the next two years.
- **Lawmakers determine (some) leadership for upcoming Congress:** Since our last update, Republicans and Democrats elected or nominated members of their respective parties to serve leadership roles in the 119th. The National Council went back and looked at some previously supported mental health and substance use policies from the group, as well as Vice President-elect Vance.
  - **Senate Majority Leader:** John Thune (R-S.D.)
    - Thune is a telehealth advocate, having sponsored or co-sponsored several related bills. He also led a bipartisan letter last year emphasizing that the Drug Enforcement Administration's (DEA) proposed rules around prescribing controlled substances were too restrictive and has supported lifting the IMD exclusion.
  - **Senate Finance Committee Chair:** Sen. Mike Crapo (R-Idaho)
    - Crapo has also supported expanding access to mental health and substance use care. In September 2021, he led a [request for information \(RFI\)](#) on developing policy proposals to address barriers to mental health care. He

also supported [Senate Finance Committee legislation](#) that would expand the number of mental health and substance use providers participating in Medicare — including psychologists, clinical social workers, marriage and family therapists, and mental health counselors in rural and underserved communities, funding for primary care physicians to deliver behavioral health and primary care to Medicare beneficiaries in the same setting, and several other provisions to enhance the mental health and substance use workforce.

- **Senate Health, Education, Labor & Pensions Chair:** Bill Cassidy (R-La.)
  - Cassidy, a doctor, has been a champion for policies focused on addressing the opioid and overdose crisis. He was the author of numerous mental health and substance use related provisions in the 21st Century Cures Act, including provisions related to integrated care, mental health and substance use parity, children’s mental health, and opioid use prevention and treatment activities.
- **Vice President-elect:** JD Vance
  - Vance has long spoken publicly about the opioid and overdose crises. During his time in the Senate, most of his focus on substance use disorder issues was related to fentanyl trafficking and border security. He has also supported initiatives promoting telehealth and rural health care access, and reentry policies.

## Looking Back: Policy Highlights from 2016-2020

There were several notable mental health/substance policy wins signed into law during the first Trump administration, including:

- [The SUPPORT Act](#) (2018)
- [Expansion of CCBHCs Through the CARES Act](#) (2020)
- [988 National Suicide Hotline Designation Act](#) (2020)
- [Executive Order on Saving Lives Through Increased Support for Mental and Behavioral Health Needs](#) (2020)
- [Veteran Wellness, Empowerment, and Suicide Prevention Task Force](#) (2019)

## Looking Ahead: President-elect Trump administration appointments and agenda

**Note:** Details about the President-elect Trump administration's health care agenda, including mental health and substance use care policy, are still coming into focus. Trump has announced several picks to lead agencies in the coming year. We will continue to update you as information becomes available.

- **HHS Secretary:** President-elect Trump announced last week he would nominate Robert F. Kennedy Jr. to lead the Department of Health and Human Services (HHS). Little is known about RFK Jr.'s positions related to behavioral health policy. He is a member of the long-term recovery community. During his bid for President, he [spoke extensively](#) on his experience with substance use disorder.
- **Centers for Medicare and Medicaid (CMS) administrator:** President-elect Trump announced yesterday he would nominate Dr. Mehmet Oz. Like RFK Jr., much is unknown regarding his potential priorities for the upcoming administration. Prior to his unsuccessful

bid for Senate in 2022, Dr. Oz was publicly supportive of the Affordable Care Act. During his 2022 Senate campaign in Pennsylvania, he supported Medicare advantage plans.

- **Dive Deeper: Potential priorities of Republican Congress and Trump administration:** Again, this is preliminary analysis as it remains to be seen what Congressional Republicans and incoming Trump administration will prioritize in the coming year as it relates to mental health and substance use care. Please see a [special report](#) outlining potential health policy actions. The National Council will continue to monitor and update members accordingly.

## Appropriations scenarios between now and January

- There are 30 days remaining until a potential government shutdown. Lawmakers are considering two main options:
  - Passing FY25 appropriations bills and funding programs to fund the government through September 2025
  - A short-term “continuing resolution” that would provide funding through February or March, depending on negotiations.
- Under both scenarios, action on substantive health care policy items would be limited, with the majority of “nonessential” priorities punted into 2025.
- Before getting to funding packages, Congress’ priority is quickly passing a disaster relief package to support recovery from Hurricanes Helene and Milton. President Biden officially sent a roughly [\\$100 billion disaster aid request](#) to Congress Nov. 18.
- As negotiations are underway, the National Council continues to work with our Congressional champions to find opportunities to

secure support for mental health and substance use disorder initiatives in the remainder of the 118th Congress.

## Regulatory Update

- **Department of Labor Overtime rule blocked:** On Nov. 15, Judge Sean D. Jordan of the U.S. District Court for the Eastern District of Texas blocked the [Department of Labor Overtime rule](#) issued earlier this year. This ruling applies nationwide, halting implementation of the second salary-level increase that was to come into effect Jan. 1, 2025, and reverting back to the 2019 salary threshold. Given the administration transition timing, it is unclear if this decision will be appealed.
- **DEA and HHS Extend telemedicine prescribing flexibilities:** On Nov. 19, the DEA and HHS issued a [temporary final rule](#) to extend COVID-19 telemedicine flexibilities for the prescription of controlled substances through Dec. 31, 2025. We anticipate a proposed rule for permanent policy will come forward, and we will provide updates as more information becomes available.

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If you have any questions or feedback on the contents of our “Road to the 119th” series, [contact our policy team](#).

In the meantime, [sign up](#) for National Council’s advocacy platform today and stay up to date on upcoming opportunities to make your voice heard.

We’ll see you back here for part three in our series on **Dec. 4**.

Sincerely,  
National Council Policy and Advocacy Team

NATIONAL COUNCIL  
for **Mental Wellbeing**



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