



SUBCOMMITTEE ON HEALTH OF THE COMMITTEE ON ENERGY AND
COMMERCE

The Fiscal Year 2022 HHS Budget

May 12, 2021 at 10:30 A.M., Virtual Hearing via Cisco Webex

PURPOSE

The purpose of this hearing is for the Subcommittee on Health of the Committee on Energy and Commerce to examine the HHS Budget for Fiscal Year 2022.

MEMBERS PRESENT

Chairwoman of the Subcommittee Eshoo, Ranking Member of the Subcommittee Guthrie, Chairman of the Full Committee Pallone, Ranking Member of the Full Committee McMorris Rodgers, Representatives Butterfield, Matsui, Castor, Sarbanes, Welch, Ruiz, Dingell, Kuster, Kelly, Barragán, Blunt Rochester, Craig, Schrier, Trahan, Fletcher, Upton, Burgess, Griffith, Bilirakis, Long, Bucshon, Mullin, Hudson, Carter, Curtis, Crenshaw, Joyce, Tonko, McNerney, Lesko, and Doyle.

WITNESSES

The Honorable Xavier Becerra

Secretary, U.S. Department of Health and Human Services

OPENING STATEMENTS

Chairwoman of the Subcommittee Eshoo (D-CA) said the Secretary has inherited the position with enormous responsibilities, especially as the country recovers from COVID. The Administration has administered 200 million doses of the vaccine. New COVID cases are at a 7-month low, states are reopening, and some normalcy is returning. The Biden Administration has moved quickly to enroll more Americans in the ACA coverage and reversed cuts to enrollment, as well as returning to the World Health Organization (WHO), protecting women's health, and ending discrimination in healthcare based on gender identity and sexual orientation. President Biden's 2022 Fiscal Budget continues these achievement by helping Americans rebuild. The budget request addresses the systemic failures revealed by the pandemic, supplying money for initiatives such as mental health, ending the opioid crisis, improving the Indian Health Service (IHS), reducing maternal mortality, and launching Advanced Research Projects Agency-Health (ARPA-H). There is still so much to do. Our national security is at risk and we are unprepared for the avalanche of patients who will need care for long COVID. Our nation continues to face chronic problems from racism and health equity issues.

Ranking member of the Subcommittee Guthrie (R-KY) stated that he was alarmed to see the proposal of the skinny budget. He supported the relief bills, but the request proposal grows the Department of Health and Human Services (HHS) by a quarter. He agrees they need to improve public health infrastructure; however, as they work on the improvements, they also must be good stewards of taxpayer dollars. He hopes they can

work across the aisle to evaluate program funding. As they look at the budget of agencies that have helped with COVID efforts, they must support any increases to support these efforts. He is pro-life and is concerned on comments around removing the Hyde Amendment. He disagrees with removing this protection. Secondly, the crisis at the southern border is another major issue. Since Biden has taken office, there has been a rush of migrants to the border. There are over 22,000 unaccompanied children in The Office of Refugee Resettlement's (ORR) care, resulting in emergency intake sites. There have been reports of children being kept in overcrowded facilities. He requests information on the capacity issue, allegations of abuse, and COVID-19 protocols. He stated that the Biden Administration must get a better grip on this crisis.

Chairman of Full Committee Pallone (D-NJ) said the fiscal year budget is a breath of fresh air, and now we can bolster public health infrastructure. Given the pandemic, these increases are necessary. This includes investments in public health preparedness, stockpile, detection and assistance, and other initiatives. The request also includes funding for addressing inequities and safety net programs, as well as reducing maternal mortality and improving IHS. The Biden administration expands cross agency capabilities to combat other diseases and build on existing National Institute of Technology (NIH) research. The budget request makes significant investments on combatting the opioid epidemic. These investments are bold and necessary, and it is his hope to rebuild the public health infrastructure. Lowering prescription drug prices is another priority. They must also ensure low-income Americans have access to healthcare coverage. There was nothing positive that came out of the Trump Administration's actions at the southern border, but the Biden administration is working hard to process initiatives at the border. He cannot excuse the Trump behavior on this matter.

Ranking member of the Full Committee McMorris Rodgers (R-WA) said there was action taken very swiftly to secure the border during the Trump Administration. This needs to be a priority now and unfortunately, the crisis is being ignored by this Administration. Thanks to the innovations of the private sector, they are delivering safe vaccines to Americans. She hopes that leadership will be driven by evidence and bring optimism to America again. After a year of lockdowns, fear, and isolation, too many in our communities are battling despair through mental health and overdoses. School closures have made it worse, and there are broken families and systems. A government-run healthcare system and socialization of medicine is not the solution, because it will not deliver personalized care. She is concerned about people who advocate for Medicare for all and a single payer system. It kicks many people off their employee-sponsored insurance and does not help with modernizing medicine. Single payer will destroy innovation and it will limit access. They will not accept the empty promises of a single payer system and they must take action so people can make their own decisions. More than 22,000 children are in facilities and they must hear what they are going to do to slow the crisis down. They need accountability and answers.

TESTIMONY

Secretary Becerra said that the COVID-10 pandemic has shed light on how health disparities and the lack of national coordinated funding can leave us vulnerable to crises.

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They must ensure HHS has the resources to achieve its mission and protect the health of our communities. The budget the President has put forward is targeted and forward thinking to meet Department goals. For HHS, the budget proposes \$131 billion in discretionary budget authority. This \$25 billion increase from FY 2021 underscored the Administration's commitment to prepare for the next public health crisis, to address disparities, to help state and local partners, and to invest meaningfully in behavioral health, among other very important priorities. To start, the budget provides \$905 million for the strategic national stockpile, which has served a critical role in the COVID-19 response but is in need of upgrade. The budget also makes the largest investment in the CDC in almost two decades. It will address preparedness in the US and strengthen global health security. Confronting surges of cases and variants and supporting CDC's work is ever more important. The request also increases funding to address violence in our communities - \$489 million to support victims of domestic violence and \$66 million to support victims of human trafficking. Gun violence is addressed by doubling both CDC and NIH funding for firearm violence prevention research. The discretionary request invests over \$200 million to address maternal mortality and morbidity, especially for women of color. It expands the pipeline to rural health providers. It includes a \$2.2 billion increase and advanced appropriations for IHS. It improves funding for Title X family planning services to improve reproductive services and advance gender equity. To build the best possible future for children, the budget provides \$19.8 billion for the Department of Early Care and Education programs, including \$11.9 billion for Head Start and \$7.4 billion for the child care and development block grant. It also improves upon the child welfare system. It also expands the behavioral health workforce, community mental health services block grant, and combats the opioid crisis, investing \$10.7 billion across HHS and increasing access to medications for opioid use disorder. The budget also provides \$1.6 billion to the community mental health block grant to respond to the nation's strain on the mental health care system. The increase in budget increases the NIH funding by \$9 billion. \$6.5 billion will go to ARPA-H, which will speed application of health breakthroughs. HHS plays a critical role in those coming across the border, and the budget addresses the care of children at the border by increasing funding for the Office of Refugee Resettlement. It is critical that the funds are used appropriately. The discretionary request invests in oversight and accountability, including efforts to combat fraud, waste and abuse in Medicare, Medicaid, and private insurance. To build back a prosperous America, we need a healthy America. President Biden's discretionary request builds on that vision.

QUESTIONS AND ANSWERS

Chairwoman of the Subcommittee Eshoo said that he mentioned ARPA-H, and asked about the rationale to have this a part the NIH. This is modeled after Defense Advanced Research Projects Agency (DARPA) and ARPA-E. With this model, ARPA-H would not have the independence that is the imprimatur for those programs and asked for comments on where ARPA-H needs to be. She asked about two other things in addition. The Committee heard powerful testimonies on patients suffering from long COVID. When she asked the Centers for Disease Control (CDC) who was leading initiatives on long COVID, they did not provide a coordinated response. They need someone to lead this

initiative to help long COVID patients. They also need a strategy to support the development of a COVID therapeutic as the current monoclonal antibody treatments are not effective. She asked how the \$6 billion will be spent on therapies. On the provider relief fund, she wanted clarification on how much money is left in the provider relief fund, who will receive it, and how it will be distributed. She also said they need more resources in the Food and Drug Administration (FDA) for quality inspections. **Secretary Becerra** said that basic research leads to discovery, but sometimes it needs to be moved faster. Biden said let's jump on research, and he applauded him for devoting energy on speeding up research through partnering with the private sector. The importance is that we launch and not let bureaucratic discussions get in the way of a great idea. NIH continues to do the basic research. HHS has the experts and everyone has all hands on deck for COVID response, and this was done through coordinated efforts. We have the experts at the CDC, FDA, and NIH. Everyone is at the helm. At HHS, we have a team working together, and the priority is ending the pandemic.

Ranking member of the Subcommittee Guthrie said that the border crisis was improved when a supplemental bill was passed. There was an article on Texas investing abuse allegations at a migrant facility, and asked if ORR has investigated these allegations. He asked if Becerra has visited these facilities. **Secretary Becerra** said that they are on top of allegations of abuse and it is their responsibility for providing the care these migrants need. Any report, they investigate. Several thousand children coming through their custody are being cared for well. **Ranking Member Guthrie** asked if they cannot proceed on areas they agree, such as on HR 3. If HR 3 is part of a package, let's hope it is not paid for over other priorities. They want to make sure this money stays in Medicare. **Secretary Becerra** said that they must work together, and hopefully this can be done quickly. HHS will implement it. They want to make sure they improve at Medicare and ensure that healthcare is better for all Americans.

Chairman Pallone said Guthrie did not accurately portray the Trump Administration handling of the border. Also, the president said that he wanted legislation to lower the price of drugs by giving negotiating power. On the prescription drug issue, he asked for his opinion on lowering drug costs, they need a comprehensive solution allowing for negotiating prices, and asked if this is an essential tool to lower drug prices. **Secretary Becerra** said that yes, to lower drug prices, they need the power to negotiate. **Chairman Pallone** asked if he supports investments in public health infrastructure. **Secretary Becerra** said that there is no doubt, they need this cycle of boom and bust funding. They must do this the right way so healthcare can be more affordable. **Chairman Pallone** said he is interested in disturbing the critical funds for the provider relief fund and wanted to extend the funds through the end of 2021. The Provider Relief Fund (PRF) ensures frontline workers can keep their doors open. **Secretary Becerra** said he couldn't agree more with that, and they will demand accountability and transparency as they disperse the remaining funds.

Ranking member of the full committee McMorris Rodgers said that she is concerned because it sounds like the Democrats want to pay for Affordable Care Act (ACA) policy again. She said that they hope they can agree on the dignity of every life, including those

with disabilities and diseases. She asked if they agree with the National Council on Disability that relying on quality-adjusted life-year (QALY) is an unreliable and discriminatory policy. **Secretary Becerra** said that they have not done enough to focus on people with a disability. They are learning that they have not dedicated the level of resources to this issue, and he agrees that they must do a better job at targeting money for people with disabilities. **Ranking Member McMorris Rodgers** asked if there would be provisions in the budget that would give the authority to set prices of drugs using QALYs. **Secretary Becerra** said the team can't give particulars on this matter, and he will take this matter back to HHS to respond as quickly as possible. **Ranking Member McMorris Rodgers** said they are committed to bringing down drug prices. The biggest concern is that it includes on a reliance on foreign drug prices that use QALYs. She also stated that households with employee sponsored insurance would on average have \$10,000 less in disposable income every year with Medicare for all. **Secretary Becerra** said they are working on expanding the ACA.

Representative Butterfield (D-NC) said Americans are living longer and healthier, but there is more that can be done to support the health of constituents. He is interested in learning about ARPA-H. The funding request put forth \$6.5 billion of ARPA-H and asked about the responsibilities of this agency. **Secretary Becerra** said that ARPA-H is meant to complement NIH research, not compete it. The program will speed up research and partner up with the private sector. **Representative Butterfield** asked how ARPA-H will coincide and coordinate efforts. **Secretary Becerra** said the NIH does the foundational research and presents the evidence and facts. ARPA-H will complement the work NIH has already done to launch on NIH innovations. **Representative Butterfield** said that scientific progress is welcome for some conditions, how will it target other disease and conditions. **Secretary Becerra** said that they will follow the science and are driven by data, not by politics.

Representative Upton (R-MI) commented that the drug industry helped with access to drugs and helped with the COVID-19 pandemic. While the industry deserves credit, he is concerned about the transfer of intellectual property of the vaccine. A more effective means is to ramp up production in the U.S. and asked if there were other options considered. **Secretary Becerra** said that there is no country that has done more to help the world than the U.S. HHS will continue to help with the pipeline of PPE and accelerated the production of more vaccines. There needs to be extraordinary measures done to help the global community recover, while also respecting those who make these innovations possible. This is a partnership with the private sector and other countries. **Representative Upton** asked if ramping up production rather than sharing intellectual property would be another option. **Secretary Becerra** said that the industries that have created these vaccines are part of the stakeholder engagement. **Representative Upton** said they are excited about ARPA-H and complemented the acting director in listening to all parties.

Representative Matsui (D-CA) said over the past year, they have confronted COVID and racism. There was a request for \$4 billion for mental and behavioral health services. They must continue to look ahead. \$1.6 billion was requested for Substance Abuse and Mental Health Services Administration (SAMHSA). She asked how mental and behavioral

health will be prioritized in children. **Secretary Becerra** said that they must do everything they can to prioritize children and they made a historical investment here. **Representative Matsui** said that the ongoing actions of drug companies who have chosen to rewrite the 340B program to deny discounts on drugs dispensed through covered entity contract pharmacies. HHS has issued an advisory concluding that these actions are illegal, yet drug companies have made it clear they do not intend to comply with the law. She wrote a letter with over 220 colleagues outlining the strong opposition to these actions. 340B is essential in providing access to care to low-income and rural patients. She encouraged swift action to stop these efforts to undermine the program. In the past year, telehealth has taken root and there has been adoption of telehealth for all conditions. As Congress considers permanent telehealth reform, they will need the support of HHS in sharing evidence on how telehealth flexibility impacts the Medicare program and beneficiaries. She asked if he believes there are telehealth restrictions that do not require additional data, such as using telehealth in certain zip codes or traveling to a setting to receive virtual care. **Secretary Becerra** said that they will still have to address the issue of broadband access and dealing with transportation issues. They must also put funding toward more telehealth flexibilities.

Representative Burgess (R-TX) asked about the Texas 1115 Medicaid waiver, issued in 2011 and received an extension on the existing waiver. Since then, about three months later, the 1115 waiver extension was rescinded and has created uncertainty for hospitals planning their fiscal year, especially during the pandemic. He asked about the process rescinding this waiver. **Secretary Becerra** said that there were a number of states with requests for waivers and Texas is continuing with its existing waiver. They have been discussing the extension, which is an extraordinarily long extension that dealt with a lot of money. They wanted to ensure it complies with all aspects of the law, particularly in the public comment. **Representative Burgess** asked when he was involved in rescinding the waiver. **Secretary Becerra** said there was no opportunity to comment on the waiver. He said the Centers for Medicare and Medicaid Services (CMS) was working on this before he was confirmed and that it raised a number of concerns. **Representative Burgess** said that the acting administrator would not make this decision on their own. **Secretary Becerra** said that he cannot say how other administrators work and that in this particular case, and before he was confirmed, work was already being done on these 1115 waivers. They will continue to work with Texas and ensuring they have healthcare. **Representative Burgess** said it does strike him as a politically motivated.

Representative Castor (D-FL) said that it is heartening that the budget prioritizes affordable care for Americans. She said Florida families are grateful for all that is being done to crush COVID through the American Rescue Plan (ARP). She also said that Florida has led to the large number of signups for the ACA. Due to the ARP, they have been able to lower premiums and copays, which is a lifeline for families. It was there when people lost their jobs during COVID and navigators have been working with families to choose plans. COVID-19 has laid bare a lot of weaknesses, one of which was regarding data. It was a struggle to understand infection rates and there was a lack of transparency. She also thanked leadership in addressing the climate crisis, which is impacting everyone, but especially people on the front lines and communities of color. She said the

Trump Administration proposed a rule that excused people with preexisting conditions and surprised people with large hospital bills. **Secretary Becerra** said he is familiar with these plans and that they are currently reviewing these.

Representative Griffith (R-VA) said as soon as there was a supply from foreign suppliers, all of a sudden, there was no business in the U.S. A number of companies started making personal protective equipment (PPE), and those companies are outsourcing to other companies and countries. He asked if they need a bill to ensure the federal government will buy from American manufacturers. These small businesses are facing booms and busts in funding and it doesn't make sense for long-term policy. **Secretary Becerra** said that a lesson learned from COVID is that too much of their supply was not at the hands of Americans. President Biden is on top of this and there is a \$10 billion fund to try and boost domestic manufacturing. They want to prove that they invest in American companies.

Representative Sarbanes (D-MD) said over the past year, they have made investments through the CARES act and the ARP. They must continue to ensure the viability of the country. One important program is school-based health centers. School-based health centers provide mental health, social, preventive and other services to adolescents across the nation, especially reaching underserved populations to achieve health equity. Telehealth has been utilized to reach students. He asked about the investments made to school-based health services for youth and what additional investments are needed to ensure children get access to the mental health services they need. **Secretary Becerra** said that HHS will do everything they can to make school-based health centers accessible and provide guidance. They will be able to use budget funding to help with children. HHS will be busy working with school-based health centers to ensure children have what they need.

Representative Bilirakis (R-FL) asked if abortions are illegal. **Secretary Becerra** said that they will continue to follow the law, and there is no medical term on partial-birth abortion. Roe vs. Wade is very clear that women have the power to have an abortion. **Representative Bilirakis** asked if he supports partial-birth abortion. **Secretary Becerra** said there is no medical term for partial-birth abortion and will follow the law. **Representative Bilirakis** asked if they can do better to ensure coordinated efforts at the FDA to address challenges of rare diseases. **Secretary Becerra** said that they are always aiming to do better in rare diseases. **Representative Bilirakis** asked if he agrees with the Center of Excellence with regards to coordinated care for rare diseases. **Secretary Becerra** said that it is being done, and they can always aim to do better. The FDA has the strongest agency in the world for innovation to develop therapies for rare diseases.

Representative Welch (D-VT) said there is a concern on access to healthcare, community health centers, and community hospitals. He has been alarmed that 6 pharma companies, he believes illegally, are not passing on discounts as required in the 340B program. He asked if it was his intention to focus on continued access to the discounts for community health centers and hospitals. **Secretary Becerra** said HHS is on this one, because vulnerable populations are at risk. They must follow the law, everyone must

follow the law. Rep Welch said they are excited about ARPA-H to help conditions like Alzheimer's, and asked if there is any consideration on Lou Gehrig's disease. **Secretary Becerra** said they will work with Congress and the White House to see where they can focus their research. They will ensure they follow the science. **Representative Welch** said that negotiations have been successful in drug pricing. His concern about healthcare is that costs are too high and not sustainable, which hurts taxpayers. Pharma concerns on price negotiations is that the government will not be fair and asked how he would address the concern that. **Secretary Becerra** said that failure is not an option in dropping drug prices, especially when the rest of the world pays less than Americans. It can be a win-win and they must ensure they are partnering with companies. One way or another, they must drop prices and all stakeholders must be involved.

Representative Long (R-MO) asked about negotiations for the supply chain. **Secretary Becerra** said that they want to work on this and Biden has made it clear so they can improve on domestic production and supply chain management. There are many small businesses and innovators in the game and there is no separation between Congress and HHS to ensure American small businesses have what they need to compete. **Representative Long** said that it seems like a complete reversal and they are back in negotiations to eliminate international competition. **Secretary Becerra** said that what the President announced is to get a global response to this pandemic and everything is still the same until they negotiate. Pharma companies get to sit at the table, but when it comes to domestic manufacturing, there is a common goal to target American businesses to keep the supply chain going in the country. **Representative Long** said the PRF will be end by June and there is a lot of uncertainty in reporting guidelines. **Representative Long** asked if HHS will be issuing an extensions with regards to using PRF. **Secretary Becerra** said that they will work with stakeholders and be driven by facts to ensure provider needs are being addressed. **Representative Long** said that the current Federally Qualified Health Centers (FQHC) may create a barrier to vaccine access. This has been an ongoing problem and asked if HHS will work with FQHCs to ensure access. **Secretary Becerra** said that yes, they will work closely.

Representative Ruiz (D-CA) said that he wanted to commend equity throughout vaccination distribution from the Administration. There is still a ways to go to reach herd immunity, and vaccine rates are still higher in white zip codes, compared to poor younger minority communities. He asked if there has been a shift in reaching individuals who have not been vaccinated to address barriers. **Secretary Becerra** said that yes there have been changes made to target the most underserved communities and rural areas. **Representative Ruiz** said they worked to develop a solution to protect patients from surprise medical bills. He urged the administration to not weigh one factor over another, and there should be a balanced approach. He is concerned if one is weighed more, this will tilt the balance. HHS will be meeting with stakeholders and strongly urge with moving forward with a full public comment period. He asked about the rule making process and if it will include a public comment. **Secretary Becerra** said that yes, they will ensure that the public will be able to contribute to the rule and they will ensure that the patient will not get in the mix of the fight. They will launch these committees quickly. **Representative Ruiz** said that IHS is severely underfunded, which hurts patient access to care and asked

about advanced appropriations to IHS. **Secretary Becerra** said that Biden has made a commitment to restore this funding and that they will have predictability in funding moving forward.

Representative Bucshon (R-IN) said that they have worked to advance legislation on surprise billing and taking the patient out of the fight. Congress agreed to a deal to balance advantages on both sides and to follow Congressional intent to weigh all factors equally to ensure patients have access to care. He asked how they ensure that the process is balanced. **Secretary Becerra** said that it is their job to follow the intent of Congress to take the patient out of the dispute and all stakeholders will be listened to. **Representative Bucshon** asked if they can guarantee the median network rate will be transparent. **Becerra** said yes they will aim for transparency. **Representative Bucshon** asked how they hold plans accountable if they don't address the claim in an acceptable manner. **Secretary Becerra** said that there needs to be follow through and there will be a system that shows results.

Representative Dingell (D-MI) stated that public health funding follows a pattern of crisis and neglect. This pandemic has opened their eyes on the shortcomings of this pattern and shed light on the needs to come. She asked how the administration's funding request is reflective of this to achieve preparedness and sustainability. **Secretary Becerra** said the stockpile needs to be modernized and they must have the right amount of the supply. They need visibility on the supply chain and lift up the stockpile. **Representative Dingell** said the funding request includes \$905 million on the national stockpile. She asked about the immediate priorities for the stockpile. **Secretary Becerra** said they need to know what is in the stockpile, and if it meets the needs of who needs it. They need to do an analysis to ensure the stockpile is utilized in the way it should be. **Representative Dingell** asked what Congress should consider on oversight on the COVID response to address failures in preparedness. **Secretary Becerra** said that they have learned they need to have better communication and coordination with states. They must also work more closely with states to ensure resources are going to people at the right time.

Representative Mullin (R-OK) asked how much of the funds are available for COVID testing. **Secretary Becerra** said he will get back to them on that number. **Representative Mullin** asked what the intent is to use funds for testing or if there needs to be a reappropriation. **Secretary Becerra** said they are not done tackling COVID, especially given what is going on in the world. There needs to be investments in testing to prevent COVID. **Representative Mullin** said they do not want to see the money just sitting there and if there is a better way to re-appropriate the money. He asked if this money needs to be appropriated to address migrants at the border. **Secretary Becerra** said that they will ensure that whatever resources they have will be utilized with transparency. On the issue of the border, they have a responsibility to ensure their well-being is cared for and it is HHS's job is to provide care.

Representative Kuster (D-NH) said the funding request is exactly what the country needs to address the challenges facing the country, especially addressing the number of overdoses and long term recovery for those with substance use disorder (SUD). They

must identify ways to increase access to treatments. The incarcerated population does not have access to quality mental health and SUD treatments. With respect to the budget, she is pleased to see funding to combat the opioid epidemic and applauds the investment. She asked how this will be spread across the agency and what steps will be taken with these investments. **Secretary Becerra** said that COVID has accelerated their concerns on drug overdoses and they will work with partners. SAMHSA will take the lead and they are going to try and be innovative to tackle this issue. **Representative Kuster** asked how to expand access to evidence-based treatments. **Secretary Becerra** said that they will work hard to make settlements with drug manufacturers so money can be put into communities to address overdoses. Working with partners to apply funding to on the ground services will make a dent in the crisis.

Representative Hudson (R-NC) stated that he is concerned about the humanitarian crisis at the border. This is a real crisis and the government is running out of capacity to house minors. He asked for conformation of minors being sent to a city in North Carolina. **Secretary Becerra** said that they are always trying to make sure they are providing a safe and legal shelter for kids in custody, and it is their responsibility to provide them with housing. There is no plan to shelter children in North Carolina, but they are always looking for sites to provide protections for children. **Representative Hudson** asked if children are being tested for COVID. **Secretary Becerra** said yes, they are checking children for COVID to ensure the safety of the child and the American people. **Representative Hudson** said that there were reports of people not being tested or testing positive for COVID, which is where is concern is coming from. He asked what is being done with migrants who have tested positive for COVID. **Secretary Becerra** said they are put in isolation and they must ensure that every child is safe. They make accommodations accordingly and now, children are not held for more than 72 hours.

Representative Kelly (D-IL) said the US has one of the worst rates of maternal mortality in the world. The numbers are far worse for black women, and the outcomes are widely inequitable. She supports the investments in maternal health, internal bias training, and other provisions to address the maternal health crisis. She asked how the investments will improve maternal health care and improve maternal health outcomes. **Secretary Becerra** said that too many Americans don't realize the country has a maternal health crisis. HHS will use an evidence-based approach to ensure women have access to pre and post pregnancy resources. **Representative Kelly** inquired about the value of implicit bias training, especially for improving maternal health. **Secretary Becerra** said they must understand that providers must have sensitivity and patients must also have control on where they can seek out care. Tackling implicit bias will improve maternal health. Ensuring support of Medicaid and urge states to expand Medicaid will help improve maternal health. States that want to expand care postpartum from 60 days to a year, HHS will support.

Representative Curtis (R-UT) said that research shows that enrollment in the ACA has increased and a number of new plans has increased in enrollment. In the marketplace, there has been an increase in premiums. He asked if more plan offerings will drive down cost. **Secretary Becerra** said that they want to ensure that Americans have choice, but

that it also has value and benefits. **Representative Curtis** said that people should be able to make their own informed decisions. He said that ACA plans have limited patient choices by cutting provider networks and harms vulnerable patients. He asked if this was a form of discrimination and what this means for rare disease patients. **Secretary Becerra** said that they are looking for comprehensive plans with quality care. This is about quality and ensuring that it is affordable. **Representative Curtis** said there is an increasing sense that services should be made permanent for rural areas. He asked what plans are related to expanding telehealth and what role does Congress play in making these permanent. **Secretary Becerra** said that they have learned a lot from COVID and must ensure they offer flexibilities, but also not leaving people out. Ensuring access to broadband is necessary and they do not want to leave communities behind.

Representative Barragán (D-CA) said there has been remarkable progress on the work at the border, especially for getting children out of border control customs. Children are being tested throughout their entire time at the facilities. As a result of the pandemic, communities of color were hit very hard. Unstable housing, food insecurity, etc., put communities at higher risk. Addressing social determinants of health (SDOH) is vital in strengthening the public health infrastructure. \$153 million has been requested for the CDC, which will address underlying issues that contribute to equity. She asked why funding programs for SDOH is crucial to addressing disparities. **Secretary Becerra** said that equity will permeate everything HHS will do. He also commended the work being done at the border to ensure the well-being of the children. **Representative Barragán** said that her sister was diagnosed with multiple myeloma, which forms in a white blood cells and accumulates in the bone. Unfortunately, large economic and geographic factors contribute to lack of access to treatments. This will be important in allocating funds to addressing these conditions and the public health infrastructure.

Representative Joyce (R-PA) gave a clarification of partial-birth abortion, indicating a statute that prohibits partial-birth abortion. He asked for recognition of this in statute and asked if he agrees if this statute is correct. **Secretary Becerra** said that this term is recognized in politics, but is not a medical term. Under the law, a physician or any provider must make sure they abide by the law. A woman is entitled to reproductive rights. The dilation and extraction procedure in late stage abortions is used to protect the life of the woman. He recognizes the law provides women with rights according to Roe vs. Wade and they will comply with precedent to protecting reproductive rights. He will ensure they are providing protections for women.

Representative Blunt Rochester (D-DE) commented on the shared goals of the ACA, value-based healthcare systems, SDOH, and other initiatives. For decades, communities of color have been impacted by climate change. The administration proposes establishing an office of climate change and equity and asked how this office will differ from other HHS offices. **Secretary Becerra** said that communities of color are worst hit by climate change, and they need the resources to let people know about the impacts of climate change. Funding will fuel this initiatives. **Representative Blunt Rochester** asked about what partners HHS will work with to address equity. **Secretary Becerra** said they will not rely

on traditional supports, but instead, go directly to communities to work with them on developing solutions.

Representative Carter (R-GA) asked about the perspective of the US and the global community can hold China accountable and ensure an investigation on the origin of the virus. Secretary Becerra said they want to make sure there is a transparent process to guide the process. They have provided guidance on reviewing the origins of COVID with the World Health Organization (WHO). **Representative Carter** asked if China and the WHO should be pushed on the origins of the virus. **Secretary Becerra** said they have already been pushing to ensure a thorough investigation to understand how COVID surfaced. **Representative Carter** asked for a status on the regulation of over the counter hearing aids. There are rumors that regulation cannot move forward without a FDA commissioner. **Secretary Becerra** said that is not true. They do not need to wait for a permanent FDA commissioner, but there is no set date for a FDA commissioner. It is under review and will get back to him on a set date for the finish of review. **Representative Carter** said that antimicrobial resistance is a serious threat and annually, there are many deaths as a result from these infections. This reinforces the urgent need for access to antimicrobial treatments and asked for support on a counter measure. **Secretary Becerra** said that yes, he will support this.

Representative Craig (D-MN) said there is a need for a robust funding program for the HHS and the CDC. Beyond all of that, the top priority is the lower the cost of prescription drugs and improve access for all Americans. She introduced a bill to provide funding to establish reinsurance programs and extend assistance to the market. This bill would lower premiums in the individual market and asked about comments on this matter. **Secretary Becerra** said that reinsurance can ensure a stable market. **Representative Craig** said that the reopening of the enrollment period allowed people to get insurance. **Secretary Becerra** said that the fact that there are 1 million new enrollees shows the impacts of recovery packages. This has improved the uninsured population. **Representative Craig** stated the 340B program is important in providing access to care for low-income and rural patients. She encouraged HHS to take swift action to protect this vital program.

Representative Crenshaw (R-TX) asked about the 1115 waiver, which is a longstanding waiver. It doesn't seem they took it upon themselves to reject the waiver. **Secretary Becerra** said that it is important to recognize that Texas still has its waiver, but rather the issue is the extension without a public comment period. This is billions of dollars and CMS is trying to make sure they are transparent to ensure they are following the law. **Representative Crenshaw** asked if he had his full approval for rescinding the extension. **Secretary Becerra** said that there was no rogue staffer and much of the work that was done was before he was confirmed and he concurs with the decisions of CMS. **Representative Crenshaw** said that to revoke an entire waiver has massive effects on Texas programs. To take such an extreme action is very hard for Texans to understand. He asked if it were resubmitted, if it would get reapproved. **Secretary Becerra** said they are working with Texas, but using COVID as an excuse without giving Americans a period of time to comment is a stretch. They ask that Texas participates and they will look at a resubmission according to the law and follow rules. **Representative Crenshaw** asked if

he supports the statute on partial-birth abortions. Becerra said there are procedures used to provide women with the healthcare they need. He recognizes what the Supreme Court has said and that they will protect women's rights to healthcare.

Representative Schrier (D-WA) said that focusing on research for diabetes, cancer and Alzheimer's. Medical advances can happen quickly when governments target and fund these initiatives. She said that a priority should be defeating COVID and ensuring preparedness for future pandemics. Deploying robust testing strategies and shoring up a stockpile is necessary. Depending on how effective vaccines go, testing may be able to take a back seat. Ensuring every tool is being used is necessary, as well as at-home tests and surveillance is important to keep in mind. Testing still needs to be more widely affordable and accessible. She asked about initiatives to ensure an effective testing strategy. **Secretary Becerra** said there is a lot of work to be done on prevention. In order to keep people healthy, they will continue to make investments to programs to ensure testing is part of every program. **Representative Schrier** said that investing in making more tests more affordable and implementing them in schools could be done. She asked how Congress can scale up surveillance and testing. **Secretary Becerra** said utilizing the people on the ground can help this initiative.

Representative Lesko (R-WI) said the FDA has a world class drug approval process, but in rare situations, the only option for very ill people is to utilize non-FDA approved drugs. Niemann-Pick disease type C (NPC) is a rare genetic disorder which can show in young children as seizures, difficulty speaking or swallowing, loss of vision and hearing, and other tragic symptoms. Due to a discontinued clinical trial, NPC patients cannot gain access to lifesaving drugs. FDA staff are sympathetic, but have not found a path forward for these patients to access to medicine. Time is of the essence. NPC is a degenerative disease. She asked if staff can be directed to the FDA so patients can gain access to this medicine. **Secretary Becerra** said he will follow up with the FDA commissioner. They base their actions on science, not politics.

Representative Trahan (D-MA) said there is a priority to expanding access to care for the underserved, citing a hospital in her district serving the community. The pandemic has put strain on hospitals and the PRF received by hospitals has allowed them to continue serving communities. However, hospitals are in a sensitive financial situation, and asked if HHS plans on relieving hospitals of financial burdens through PRF or other relief. **Secretary Becerra** said safety net hospitals deserve HHS attention. HHS will do right by all those who stepped up to the plate to ensure PRF for these hospitals. **Representative Trahan** raised concern on inequities and the distribution of PRF. Assisted living providers were paid less and suffered disproportionately. Assisted living facilities are operating at a loss and asked for HHS for more equitable distribution of PRF. She asked about equitable distribution to these facilities. **Secretary Becerra** said there is more need than there is money and that disturbing is based on real need.

Representative Fletcher (D-TX) said the Title X family planning is the only federal program dedicated to family planning. Title X was born in Texas and has had bipartisan support. Unfortunately, the last administration imposed a gag rule and millions lost care.

She said the budget requests enhances Title X funding to provide family planning services to those who need it the most. She asked why this increase in funding is so critical. **Secretary Becerra** said Title X is crucial and it prepares families. HHS is going to do everything they can to restore these services because it is the right thing to do. **Representative Fletcher** asked about how HHS ensures they will restore the program. **Secretary Becerra** said they will wait until to promulgate the rules. **Representative Fletcher** said that Texas is a healthcare crisis and it is the hope that Texas will expand Medicaid. It is clear that if Texas expands Medicaid, they will still need some kind of waiver to provide care for disadvantaged communities.

Representative Doyle (D-PA) said Pennsylvania will need to change the way they pay managed care providers. He is concerned that this does not fully account for challenges associated with this policy change. This scramble puts Medicaid payments to hospitals in jeopardy and may need to limit Medicaid access to patients. CMS has concerns on certain policies, but more time is needed to discuss this that works for both sides. He asked if HHS will work with them and consider delaying this change for a year. **Secretary Becerra** said that they will continue to have these conversations and they will work through this. They will sit down with Governor Wolf to work through this issue. **Representative Doyle** said the rates of antibiotic resistance has been increasing, but there is no pipeline of new drugs to fight these infections. He asked if HHS will shift the way they pay for these drugs to ensure this pipeline. **Secretary Becerra** said that they are willing to listen to every stakeholder to develop the next generation of antimicrobials.

Representative McNerney (D-CA) said the scientific community has been warning about the impacts of climate change on health. These initiatives adapt the public response to climate change and asked how they will reverse the actions of the past administration. **Secretary Becerra** said that the office that will handle climate change prioritizes it as a public health issue. Those who are worst and first-hit are vulnerable communities. **Representative McNerney** asked if increasing funding will tackle climate change. **Secretary Becerra** said that yes, it will undoubtedly help. **Representative McNerney** asked how investments will reduce health disparities due to climate change. **Secretary Becerra** said that HHS will try to do everything they can to address health disparities.

Representative Tonko (D-NY) said he is concerned that providers will need to actively apply for a waiver, which is a barrier for SUD treatment. He asked if there were limits in the waiver and limited patient caps. Secretary Becerra said that HHS was constrained. **Representative Tonko** said he is in support of encouraging providers to implement evidence-based treatment. He asked if he supports legislation to expand access. **Secretary Becerra** said that yes, he is in support of legislation to expand access. **Representative Tonko** asked about Medicaid reentry, restoring access for those who are incarcerated to Medicaid services. He asked if the president is still committed to this population and if they are included in the budget. **Secretary Becerra** said that yes, including this population is important and including Medicaid reentry in the budget is necessary.