



## U.S. SENATE COMMITTEE ON FINANCE

*The President's Proposed Fiscal Year 2022 Budget with the U.S. Department of Health and Human Services Secretary Becerra*

*June 10, 2021*

*[Virtual Hearing](#) via Cisco Webex*

### PURPOSE

*The purpose of this hearing is for the U.S. Senate Committee on Finance to examine the proposed Health and Human Services (HHS) budget for the fiscal year 2022.*

### KEY TAKEAWAYS

- Committee members focused on several key proposals in the budget, including: allowing Medicare to negotiate drug prices, expanding Medicare benefits to include dental, vision, and hearing, creating a public option, and increasing funding for Medicaid home- and community-based care and funding for mental health services.
- Committee members also discussed building the health care workforce, including through increased Graduate Medical Education spots.
- Some Committee members expressed a need for accountability in telemedicine services, and emphasized telehealth's importance during the pandemic and beyond.
- Committee members expressed concerns about the solvency of the Medicare Trust Fund; Ranking Member Crapo expressed concern over potential cuts to Medicare Advantage.
- Discussion also centered on health equity, particularly on disparities in maternal health care.

### MEMBERS PRESENT

Chairman Ron Wyden, Ranking Member Mike Crapo, Senators Stabenow, Cantwell, Menendez, Carper, Cardin Brown, Bennet, Casey, Hassan, Cortez Masto, Warren, Grassley, Thune, Toomey, Cassidy, Daines.

### WITNESSES

- **Secretary Xavier Becerra**, U.S. Department of Health and Human Services (HHS)

## OPENING STATEMENTS

**Chairman Wyden (D-OR)** said that far too many Americans are getting clobbered with every trip to pick up their medications at the pharmacy window. The latest drug pricing news is the approval of Aduhelm, a new medication for Alzheimer's disease, one of the chronic diseases that now defines Medicare in the modern day. The drug's approval was controversial. There is little data showing it actually does what the company says it will do. Despite that, Aduhelm has an unconscionable list price of \$56,000 per year. Let us understand, it is not a cure like some other recent breakthrough drugs have been. Patients could be on Aduhelm for years at a time after their diagnosis, multiplying the overall cost of treatment. Setting aside the lack of clear evidence that this new Alzheimer's drug actually works, medical science today is clearly capable of miracles. The speedy development of highly effective Coronavirus vaccines is just one example. Every single Member of the Finance Committee welcomes and cheers those advances. However, Americans are terrified by the status quo on prescription drug pricing. Not only are too many Americans forgoing or rationing their prescriptions, sky-high drug prices could bust America's health care budgets. I am working now to update the Finance Committee's prescription drug legislation from the last Congress, and I welcome the ideas of all Members of the Committee. I believe it is long past time to give Medicare the authority to negotiate better prices for prescription drugs on behalf of more than 50 million seniors. Overwhelmingly, the American people support this idea. President Biden, during his speech in April, the Joint Session, called on Congress to get it done. We're all hungry for genuine medical breakthroughs. But what does it mean if the vast majority of Americans can't afford them?

It's very welcome to see proposals on mental health, because mental health care is a major priority for the Committee. We'll have a lot more to say on mental health during our Finance Committee Hearing on that issue next week. As I discussed with Secretary Becerra, I look forward to continuing to work with his team on further implementation of the CHRONIC Care Act, specifically expanding its benefits to those who receive traditional Medicare. I'm also pleased that the administration is continuing to make progress on the issue of transparency and sunlight with respect to health care prices. It's important to make sure that progress is useful to consumers as part of an overall effort to make healthcare more affordable.

The budget also includes a landmark investment of \$400 million to expand access to home and community-based services through Medicaid. This will be an absolute game changer resulting in more choices and better care for millions of seniors and those with disabilities. We're also interested in building up the care workforce to make sure those changes deliver on their enormous potential.

I'll close on the subject of child welfare. A few years ago, this Committee put together the Family First law. It was designed to help more families stay together safely instead of relying on foster care. Unfortunately, the Trump Administration gave short shrift to the implementation of this law. The Biden Administration can change that.

**Ranking Member Crapo (R-ID)** said the efforts of HHS and its sub-agencies ensured safe access to crucial health care and services at the height of the pandemic through telehealth expansion and emergency flexibilities. HHS also proved itself pivotal in partnering with private sector innovators to help bring several safe and effective COVID-19 vaccines to the public in record time. The [President's budget] proposal describes a concerted effort to build on our program integrity efforts to tackle waste, fraud, and abuse, which harms taxpayers, patients, and families. The budget request all highlights the importance of value based care, which will prove indispensable as we work to lower healthcare costs while increasing health care.

Unfortunately, other aspects of the President's proposal raise serious questions and concerns. The Medicare Trust Fund's solvency remains a pressing crisis -- and yet this budget request proposes no meaningful policies to contain unsustainable spending growth. In fact, apart from outlining trillions of dollars in tax increase and spending hikes, the budget proposal offers few policy details. Much of the blueprint is on vague references to agenda items with no meaningful discussion of how to pay for them. To lower the Medicare eligibility age, for example, would likely crowd out private coverage without moving the needle on access or affordability. The budget request also suggests using Medicare dollars to expand Obamacare. Rather than champion the market-based reforms that have made Medicare Advantage and Part D such resounding success stories for our nation's seniors, the budget proposes a convoluted price control scheme for prescription drugs that would reduce access to life saving cures in the years ahead. For the roughly four in 10 seniors enrolled in Medicare Advantage plans, the policies referenced in the budget request could also mean drastic cuts, which could jeopardize supplemental benefits like dental and vision.

Home and community based services are a key lifeline for scores of Americans, and Congress should consider bipartisan policies to expand availability. Unfortunately, media reports suggest that the \$400 billion may be used to establish certain labor reforms that fail to address the gaps in patient service that states have experienced for decades.

**Secretary Becerra** said that HHS is at the center of many challenges facing our country today. The pandemic can shed light on how health inequities and inefficient federal funding can leave communities vulnerable to crisis. Now more than ever, we must ensure that the Department has the resources to achieve its mission and to build a strong public health system. For HHS, the budget proposes \$131 billion in discretionary budget authority and \$1.5 trillion in mandatory funding. This budget underscores the Administration's commitment to prepare the nation for the next public health crisis, to expand access to affordable health care, to address health disparities, to tackle the opioid and other drug crises, and to invest in other priority areas like maternal health, tribal health, and early childhood education.

We know the fight against COVID is not yet over. But even as HHS works to beat this pandemic, we must also prepare for the next public health challenge. The budget makes significant investments in our preparedness and response capabilities, including by investing in the Strategic National Stockpile and the public health workforce. It provides a new mandatory funding stream for the manufacture of medical countermeasures to protect Americans from future pandemics and to create jobs.

The budget includes the largest fiscal year investment in the CDC in almost two decades. The budget reflects the President's commitment to expanding access to quality, affordable health care for all Americans. It builds on the groundbreaking reforms introduced in the American Rescue Plan by permanently extending the enhanced premium subsidies that put affordable health care coverage within reach for millions of Americans. It also expands access to home and community-based services under Medicaid. It calls on Congress to take additional steps this year to lower the cost of prescription drugs and further expand and improve health coverage through additional benefits and public coverage options.

Health Care must be a right not a privilege. We need to address public health crises that are already here, like violence in our communities and climate change. The budget increases funding support for domestic violence survivors. It addresses gun violence. It allows HHS to play a major role in efforts to tackle the climate crisis by supporting research and programs.

To ensure that HHS is equitably serving all Americans, the budget invests in reducing maternal mortality and morbidity that disproportionately impacts women of color. It funds rural health care programs; builds on the American Rescue Plan's state option to extend Medicaid postpartum coverage; includes dramatic funding increases for the Indian Health Service; makes major investments to ensure high-quality childcare is affordable to low- and middle-income families; proposes historic investments in SAMHSA; increases the NIH budget and establishes the Advanced Research Projects Agency for Health (ARPA-H); and invests in efforts to combat fraud, waste, and abuse.

I'd like to close by recognizing the women and men at HHS for their outstanding and tireless work fighting COVID-19 to protect the health of their fellow Americans.

## QUESTIONS AND ANSWERS

**Chairman Ron Wyden (D-OR)** said that if only a fraction of seniors suffering from Alzheimer's were prescribed Aduhelm, Medicare Part B spending would double overnight. Seniors taking the drug would be asked to pay more than \$11,000 in coinsurance each year. President Biden called on Congress to lower the cost of prescription drugs through authorized Medicare negotiations. He asked **Secretary Becerra** what tools he would use if granted this authority. **Secretary Becerra** said the most helpful tool is oversight to ensure that providers handle medication and medical supplies properly. Also, we can discuss drug rebates in the event that a manufacturer tries to increase the price of a prescription drug by more than inflation. There are a number of good ideas, so give us

the authority and we'll get to work. **Chairman Ron Wyden** stated the Cahoots law has brought together mental health officials and law enforcement in an unparalleled way to address the mental health challenges in this country. He asked **Secretary Becerra** how the department prepares to work with states so these dollars can get out there quickly to progress these good programs. **Secretary Becerra** said we want to get this out as quickly as possible and we will issue some regulations to get his off the ground and address the mental health needs of the American people. **Chairman Ron Wyden** stated that The American Rescue Plan made health insurance through the exchanges more affordable and many families are not paying more than 8.5% of their income. However, if an employer offered them health insurance, different rules apply. Only when the premiums for your employer plan are 10% of your income can you go the exchanges to get affordable Health Insurance, this is known as the health insurance firewall. Families are paying thousands more per year for their health insurance when more affordable options exist. He asked **Secretary Becerra** if he agrees that the definition of affordability should be the same in the exchange and for employer based coverage. **Secretary Becerra** said most Americans have one definition of affordability which is whether they can afford healthcare for their children. Therefore, we must work together to ensure we end up for a uniform response that says affordability, regardless of the definition, means that healthcare is affordable for the American people.

**Ranking Member Crapo (R-ID)** said that he is concerned with the Administration rescinding existing waivers such as the 1115 waiver granted to Texas, as well as Georgia's 1332 waiver. He asked **Secretary Becerra** if the Administration is currently considering rescinding additional waivers and if a transparent process is necessary to inform the public about the Administration's efforts? **Secretary Becerra** said the Administration reviews waivers to ensure they meet their goals of getting more people coverage at a better price. Also, he encourages public comments on proposed waivers for more accountability because taxpayers help the state move innovative projects forward. **Ranking Member Crapo** states that the Medicare Trustees Report is 71 days late. He asked **Secretary Becerra** when the realized exhaustion date is for the Hospital Insurance Trust Fund. **Secretary Becerra** said he does not have an exact release date, but it will occur in the next several years. However, these are years we have to work together to move Medicare forward for the tens of millions of seniors who depend on it. **Ranking Member Crapo** said if the report does come out soon, the trust fund will deplete sooner than 2026. He asked whether he and President Biden will propose a plan with policy specifications and corresponding cost estimates that will extend the life of the trust fund. **Secretary Becerra** said while HHS has worked on this, any proposal would require congressional approval. Also, he encourages collaboration with Senator Crapo on this issue to keep Medicare strong. **Ranking Member Crapo** states that the President's health care and human services budget does not include policy specifications or cost estimates regarding a number of the health care proposals, such as lowering the Medicare age of eligibility to 60. He asked when we will see a policy outline and scoring estimates for these administration requests. **Secretary Becerra** stated we must extract as much value out for every dollar for healthcare. One specific approach is to negotiate Medicare drug prices, which would save several hundred billions of dollars. Another is to

push on rebates, as Senators Wyden and Grassley have previously worked on. We need the votes to pass anything, but we are ready to go.

**Senator Stabenow (D-MI)** stated that while mental health and substance abuse has increased significantly among Americans during the pandemic, we made significant treatment progress with the expansion of certified community behavioral health clinics with funding through the health care system. She asked **Secretary Becerra** to talk about the positive impacts of these clinics across the country. **Secretary Becerra** said that with the help of the American Rescue Plan, we launched a three billion dollar initiative to increase funds for mental health and substance use disorder services. We hope to work with you to increase funding efforts and tackle this issue because we are behind as you noted. **Sen Stabenow** said with regard to the new Alzheimer's drug, she is appalled that the FDA-approved BioGen drug is \$56,000 per year and she hopes **Secretary Becerra** will examine every possibility to bring that price down if he is authorized to negotiate under Medicare. **Secretary Becerra** said innovation is effective only if patients can afford it and he will work with **Sen. Stabenow** on that issue.

**Senator Cassidy (R-LA)** said that the HHS is still working at 25% limited capacity, while the CDC said people can go back to work. He asked why the HHS is still operating at limited capacity while taxpayers are paying for the salaries of people not present in the office. **Secretary Becerra** said that the office completed one hundred percent of the work, even at limited work capacity. He states that the department's return to full capacity will take time, but it will happen. **Senator Cassidy** stated that the Hospital Trust Fund will go bankrupt in 2040 and a significant portion of the budget's revenue is double counted to strengthen the Trust Fund and finance the American Families Act. However, without transfers from the general fund, the lifespan of the trust fund only extends to 2029. He asked for **Secretary Becerra** to comment on this and asked whether we will count more on transfers from the general fund in order to strengthen the Part A program. **Secretary Becerra** said the Administration will do everything necessary to keep Medicare strong. Also, the hospital trust can never go bankrupt since, by law, the trust can never spend more than it receives. Senator Cassidy disagrees, and asked for **Secretary Becerra's** plans to decrease expenditures within the Medicaid program. **Secretary Becerra** said there are efficiencies we can extract in the way we reimburse hospitals when it comes to the current fee for service system and Medicare Advantage. He states when Congress decides to draft a big solution, we will work with you to ensure that is implemented

**Senator Thune (R-SD)** stated polling shows that 60% of Americans oppose using tax dollars to pay for abortions, which the Hyde amendment prevents, yet the Administration proposed to eliminate it. He asked **Secretary Becerra** for his ideas to achieve common ground. **Secretary Becerra** said that we must provide the best healthcare services to all Americans. The law states a woman is entitled to the healthcare services she needs and we will move forward to fulfill that area of the law. There is great support for Roe v. Wade to protect a woman's right to decide how to treat her own body, and we hope to reach common ground on how to achieve that. **Senator Thune** said the proposed budget does not contain Medicare related legislative proposals to address the telehealth flexibilities

made available throughout the pandemic. He asked what the department has worked on to ensure that progress is not lost and if **Secretary Becerra** identified any specific telehealth policies that he wanted to see Congress work on. **Secretary Becerra** said he wanted to ensure that broadband is accessible in all communities as we move towards more telehealth and hopes that Congress will give us broader authority and resources to make it happen. **Senator Thune** asked for commentary about the newly expanded ACA subsidies as well as the proposed budget to make these expanded subsidies permanent. Also, he asked what analysis has been done by the department to understand the effect of the proposed budget on premiums and enrollment in the large and small group markets where most Americans get their coverage. **Secretary Becerra** said the HHS will try to avoid the issue for middle class families where a small raise leads to unaffordable coverage and they will share relevant data to work towards a solution. **Senator Thune** stated adverse selection poses risk to insurance markets for individuals to wait to purchase healthcare and health coverage until they need it. The budget highlights the special enrollment period for the ACA exchanges that have been ongoing for the first half of 2021. He asked by the time it ends in August, what analysis has the department done on how this affects the risk pool and can we expect to see the administration continue to pursue such a drastically extended enrollment period, moving forward. **Secretary Becerra** said today we have 31 million Americans who receive their care through the ACA which helps insurers because when more people have entered the system, the less likely one will be very sick. This is beneficial for providers, insurers, and Americans receiving healthcare

**Senator Toomey (R-PA)** said the fact is this enhanced FMAP is costing federal taxpayers over \$3 billion per month, and it'll continue under the statute as long as the public health emergency is declared. He asked if the administration does not end the public health emergency in July, would you agree that it makes sense to end this policy that is extremely expensive, extremely poorly targeted, and was never actually necessary. **Secretary Becerra** said he will implement the law as is, because Congress ultimately decides whether FMAP moves forward, but he offered to work with Sen. Toomey on that issue. Sen. Toomey stated the estimated improper payment rate in Medicaid is 21%, really completely unacceptable. He asked could Secretary Becerra commit to providing the state by state estimate of the improper payment rates, including a breakout of the eligibility component, because not all improper payments are driven by ineligible beneficiaries, but we need this information in order to reduce an unacceptably high improper payment rate. **Secretary Becerra** said he would check whether the data is releasable and get back to Sen. Toomey on that question.

**Senator Cardin (D-MD)** said he was pleased to see the President's proposed budget included \$22 million to a new, resilient supply chain and shortage program. He asked Secretary Becerra to share how those funds, if appropriated by Congress, would be used to deal with this drug shortage issue. **Secretary Becerra** said we are hoping to always have a stockpile so that we are better prepared and telegraphing where drugs will go. He mentioned that the HHS is preparing for the next pandemic by preparing the medicines necessary to address that. **Senator Cardin** said it surfaced today that United Healthcare

used a program that could violate the prudent lay person's standard. He is concerned about a potential erosion if there is no strict enforcement. Also, individuals who seek urgent care are now hesitant, because they are concerned whether their health care will cover that cost. He asked whether Secretary Becerra will be aggressive in this manner. **Secretary Becerra** said absolutely. He says that the more we see Americans sign up for health care through the Affordable Care Act (ACA), the fewer people will be reluctant to use the emergency room. **Senator Cardin** said he was pleased to see that the President's proposed budget included an increase of \$261 million dollars for the National Institute of Minority Health and Health Disparities. He asked about the importance of expanding the HHS investment and research to address long standing inequities. **Secretary Becerra** said in America, we still have pockets where women often die delivering a child and our maternal mortality rates are higher than any other industrialized nation. He states we are putting money behind efforts to address that and will do everything we can to put equity at the front of everything we do when it comes to health care, but we will look forward to working with you.

**Senator Grassley (R-IA)** stated that the President's proposed budget does not assume passage of H.R. 3. He asked whether Secretary Becerra would recommend that President Biden instead focus efforts towards supporting a bipartisan bill that can get 60 votes in the United States Senate. **Secretary Becerra** said the President wants to get behind reforms to reduce drug prices. President Biden is open and supports negotiating prices and he supports seeking rebates when prices are too high. The President signaled in his budget that we are open to reducing the price of prescription drugs for Americans and we look forward to working with you and all of your colleagues to get something done. **Senator Grassley** asked for a timeline on the FDA issue of over the counter hearing aid regulations. If not, he asked for the current status of the draft regulations and what barriers are preventing FDA from issuing regulations in that area. **Secretary Becerra** said we are working diligently to put this regulation out there. We know millions of Americans will benefit if we can help them make sure they're good consumers of hearing aids. **Senator Grassley** asked whether there was any oversight of the taxpayers money sent to the Wuhan Institute of Virology, and if so, could he with certainty that the money was not misused by the Chinese government. And if no oversight was done please explain. **Secretary Becerra** said the NIH never approved of funding for the Wuhan Institute of Virology and we will continue the accountability work that the President has called for.

**Senator Menendez (D-NJ)** said while official 2020 data on total gun deaths is not yet available, every town analysis of data from the gun violence archive shows that gun related deaths in 2020 will likely exceed 40,000, a rate of 12.3 gun deaths per 100,000 people. This translates to the highest rate of gun deaths in the last two decades. He asked whether the Secretary believes that gun violence is a public health epidemic. **Secretary Becerra** said he agreed with the American Public Health Association that states gun violence is a public health issue. He committed to ensuring the CDC funding will be used to study gun violence as a public health epidemic. **Senator Menendez** said his bipartisan legislation the Resident Physician Shortage Reduction Act will build upon the 1,000 Medicare-supported Graduate Medical Education (GME) slots that I secured last year, by

providing another 14,000 targeted slots over seven years. He asked how the 1,000 slots Congress provided last year will address the physician shortage and how will you ensure their expeditious implementation. **Secretary Becerra** states he will fight to preserve those residency slots in areas of need. Therefore, we will talk to the provider community to make sure that we know exactly the shortages are. We will encourage many incoming physicians to consider working in those areas of shortage, including rural areas and low income communities. Finally, we will make sure that the residency slots will be there when they are ready to come work in those areas that need new physicians. **Senator Menendez** says we are facing twin pandemics of pervasive racism and COVID-19, which have laid bare health inequities facing many minority communities. According to the CDC, women of color are two or three more times likely to die from pregnancy related causes than white women. He states the budget proposes some significant investments in addressing maternal mortality and asked how specifically does the Secretary plan to combat the crisis, including reaching and working with these at risk communities and what workforce investments have to be made to improve maternal mortality. **Secretary Becerra** said we have an investment program called the Improving Maternal Health Initiative, which would help us reach these communities where mostly women of color have experienced terrible birth outcomes, including death. He states if Congress helps secure passage of the American Families Plan, we will have an additional investment of \$3 billion to really target communities that have been left behind. **Senator Menendez** asked whether the Secretary would commit to working with him to eliminate the Medicare funding structure in order to treat U.S. citizens in states equally to U.S. citizens in territories. **Secretary Becerra** said he looks forward to working with him.

**Senator Cantwell (D-WA)** said we have expanded access to care, which was important during COVID-19, but before COVID-19 we still had issues of affordability. She asked the Secretary for his ideas on how to put more affordability into the system. **Secretary Becerra** said to continue to improve the Affordable Care Act versus trying to dismantle it, would be best. We have seen how Americans react when given a choice and when people see what their options are, they will sign up. If we continue to expand coverage, we will find we can provide it at a more affordable rates, instead of watching people walk into an emergency room to get their primary care services. **Senator Cantwell** stated we need to continue to drive down costs as we expanded access to telemedicine. So, not only do we need to expand broadband to ensure the telehealth can be delivered, but we need to get the right reimbursement rates. She asked how he suggested we should look at that, so the actual system can expand more into telemedicine. **Secretary Becerra** said the more flexibility we offer, the greater the chance telemedicine will be used well. We have to make sure that broadband is available in all communities. However, once you have access to good technology, we must implement that in ways that make sense. In some cases, it will be virtually with video, in others audio. We want to be flexible, but we want to extract accountability to ensure we are getting real value for the dollars we provide for that service. So, accountability will be crucial. **Senator Cantwell** said another area of efficiencies and saving is in home health. The proposed budget has a 400 billion dollar investment in community based services, but we must continue to move forward on establishing community based healthcare services for individuals. **Secretary Becerra**

said everyone would like to know that they could receive care, including hospice care if possible, at home. We have to make sure this is good care and community as well as family care is among those. **Senator Cantwell** said she wants to ensure there are good healthcare standards for NCAA athletes. Her testimony yesterday revolved around the number of deaths in college athletes because of heat exposure which juxtapose to professional football that did not have those same numbers. So, she wants to work with the Secretary on health standards for our collegiate athletes and if he could find us the right person, she would appreciate it. **Secretary Becerra** is looking forward to working with her.

**Senator Brown (D-OH)** said the President's proposed budget to increase CDC funding to \$8.7 billion is the largest budget authority increase the CDC had in two decades, and is long overdue. He asked to paint a picture of why this funding is so important to help prepare for future global pandemics. **Secretary Becerra** said we must invest more to build the infrastructure of public health to make sure that we're protecting all of our families. **Senator Brown** says he has been working to address issues about child welfare; the President's budget includes a new request for 100 million to address racial disparities in the child welfare system. Child Protection interventions as you know, disproportionately impact black and American Indian families. He asked to know the goals for this funding. **Secretary Becerra** said inequities are out there and we will work with you and local communities to address them; we are doing everything at HHS to ensure that we provide for the resource, the funding of graduate medical education to make sure we have the physicians we need.

**Senator Lankford (R-OK)** stated to he submitted a request that deals with the unaccompanied children coming across the border and some of the data that we have requested is already collected. **Secretary Becerra** he will get back to his team and find out where that request is and the letter that was sent. **Senator Lankford** asked are you eliminating the conscience and freedom, religious freedom division from the proposed budget. **Secretary Becerra** said we are going to continue to do the work to protect the religious civil constitutional rights of all Americans under HHS purview and we are going to continue to be a solid organization through the Office of Civil Rights. We have to make sure that we are protecting everyone's rights including religious conscience rights. Sen. Bennett asked whether the NIH is going to continue the moratorium, or to lift the moratorium, and attempt to use tax dollars for research here, or to fund research in other countries. **Secretary Becerra** said he has not told the NIH to go in a particular direction, but he will get a better response form the NIH directly.

**Senator Bennet (D-CO)** asked can you discuss your views on a public option and provide a timeline on when we can begin working in earnest together on refining our proposal. **Secretary Becerra** said we want to provide greater access and public option is one of those opportunities that that gives Americans a greater chance to get coverage at a lower cost. **Senator Bennet** said the proposed budget includes \$400 billion in funding for home and community based care through the American Jobs Plan, which will transform the way we care for individuals in their homes and communities. This

funding through Medicaid will take care of the most vulnerable Americans, especially children and youth. He is concerned with the increased rates of mental health and mental health illness that young people are experiencing, leading to death by suicide substance abuse or other mental and behavioral health challenges. He asked how should we use this funding to help address these mental health challenges and how can mental health be integrated in home and community based services for children receiving services. **Secretary Becerra** said try to provide the treatment that people need as quickly as you can, hopefully, to prevent things from getting worse.

**Senator Casey (D-PA)** said that finding that consumers who search for insurance online are at risk of being funneled into a non-ACA compliant junk plan by misleading ads that appear in online search results. The Administration is committed to defending access to quality, affordable care. He asked to see what steps we can take to protect consumers from misleading ads. **Secretary Becerra** said we are going to expand the funding for the outreach and the education work that it takes to make sure that people understand health insurance and what they need if they are a family of four, a single individual, 20 years old 30 years old or 80 years old. You want to know that about a person so you can direct them. Aside from that we are going to do more on accountability as well to find out who those industry players are that are trying to take advantage of the American consumer the wrong way.

**Senator Daines (R-MT)** stated that the proposed budget calls for completely eliminating the Hyde Amendment and the protections. He asked do you know how many taxpayer funded abortions would be performed on children who can feel pain. **Secretary Becerra** said his job is to make sure they follow the law. And when it comes to women's reproductive rights, we'll make sure we follow the law. The law is the right of a woman who, under Roe v. Wade, to receive reproductive health care services. **Sen. Daines** said more than 700,000 immigrants, including more than 60,000 unaccompanied minors have illegally entered the country. The vast majority of them since February. He asked if the Vice President of this administration is serious about finding the root causes of migration, should you look at your own policies, which have clearly driven this problem to an unsustainable level. **Secretary Becerra** said the law requires that we address the issues at the border. At HHS we have responsibility for the care of those unaccompanied migrant children. I won't speak to the issues that are under the jurisdiction of the Department of Homeland Security, if there is a child with who is unaccompanied, who is comes across the border, it is my responsibility to make sure that we provide for the time that that child is here.

**Senator Carper (D-DE)** asked whether he was willing to use his bipartisan bill as a base for future legislative efforts to reduce drug prices for Medicare and Medicaid and make drug price increases publically available. **Secretary Becerra** said there are a number of proposals that are out there and the President has made it clear he is supportive of making progress in reducing the price of prescription drugs. He has been supportive of negotiating drug prices, supportive of the efforts of Senators Wyden and Grassley

legislation to deal with high prices rebates. We are open, we're ready and we are waiting to see where you all wish to go as well. Also, we will be good partners as we try to help Americans pay less for their prescription medication. **Senator Carper** states the proposed budget calls on Congress to pass legislation to reduce prescription drug prices in part, by allowing the use of the Secretary of Health and Human Services to negotiate directly. However there is debate among colleagues on what negotiations would look like. He asked, as the principal negotiator, what approach would you take to negotiate lower drug prices and what authorities would you need from us in the Congress to make this happen. **Secretary Becerra** said we will look to Congress to see how we can get this done. We may have ideas and we certainly can provide technical assistance, but there are any number of approaches when it comes to how you would negotiate prices. H.R. 3 legislation that passed in the House last year provides one means. The President is anxious to work with Congress to reduce the cost of prescription medication.

**Senator Whitehouse (D-RI)** states he wants to organize a meeting with Secretary Barrera to get to the detailed work of drafting public option legislation that he and the President could support. He asked whether the Secretary has a public option team. **Secretary Becerra** said yes, and he looks forward to working with them. **Sen Whitehouse** said he has worked on an end of life care model that **Secretary Becerra** would be interested in. **Sen. Whitehouse** states he is here to make sure that the delivery system reform effort continues, because we can save money through the famous triple aim by improving care, improving the experience of patients, and reducing cost. We have shown we can do that. He said he is discouraged that delivery system reform emphasis, doesn't really appear in the budget. Secretary Becerra said he looks forward to discussing this issue.

**Senator Hassan (D-NH)** said earlier this year, we about ensuring that states do not experience dramatic cuts in funding from the State Opioid Response Program, cuts that could jeopardize critical state initiatives. The Department of Health and Human Services has not provided clarity on this issue in the month since, so the continuity of funding to states remains uncertain. She asked do you agree that this uncertainty is problematic and will you ensure that states do not experience dramatic funding cliffs in their state opioid response grants from one year to the next. **Secretary Becerra** said he agreed this is a problem, but we need Congress to act on the President's proposed budget request. **Sen. Hassan** asked do you agree that HHS has the authority to modify the number of hardest hit states in the state opioid response grant funding formula set aside. **Secretary Becerra** said each of those modifications would have consequences that would impact a number of other programs and services and states as well. **Senator Hassan** states Secretary Becerra has the authority to ensure that states do not experience dramatic cuts in their state opioid response grant funding. She asked do you agree we need a solution to help ensure that states do not face funding cliffs in this program. **Secretary Becerra** said we are trying to extend the subsidies that we are providing to the ACA for people who fall off over this cliff. So, we agree that these cliffs are tremendously harmful not just to the individuals, but to harmful to the system.

**Senator Cortez Masto (D-NV)** stated that in 2018, 20% of adolescent Medicaid beneficiaries experienced a lifetime major depressive episode and 12% had suicidal thoughts, while nearly 4% attempted suicide. So MACPAC made two recommendations, both of which can be carried out by HHS at no cost. They suggest that the agencies that HHS tasked with caring for kids collaborate to issue joint guidance and technical assistance to states on improving access. She asked does the agency have plans to carry out those recommendations. **Secretary Becerra** said he announced that within HHS, we were establishing the Behavioral Health Coordinating Committee, so we would take the various agencies involved, whether it is SAMHSA, CMS with Medicaid, the Children's and Families Administration, we are going to work together to coordinate those services as MACPAC suggested with one goal in mind, not having disparate agencies doing different things. Also, we have a coordinating committee that will focus on children and youth. **Senator Masto** said we made significant investments over this last year through various COVID-19 relief packages and the most recent American Rescue Plan. And part of that money is going into our schools and my goal is to ensure that some of that funding goes to really ensure that we are providing effective mental health support to our students. Her hope is that as part of the American rescue plan dollars now get distributed, that working with Department of Education, you are tracking those dollars to ensure that schools are investing in mental health support. **Secretary Becerra** said that we are asking for additional funding within our budget for the Community Mental Health Services Block Grant to try to address this and you are probably aware that about a month ago, we announced a \$3 billion lead out of money, half of it for mental health services, half of it for substance use disorders, to try to address these services that we need back home.

**Senator Warren (D-MA)** asked how expanding Medicare coverage to include vision, dental and hearing services would improve the health and well-being of Medicare beneficiaries, especially low income beneficiaries and seniors in medically underserved groups. **Secretary Becerra** said if you were to save money on prescription drug medication by negotiating prices or provide the industry rebates when drug prices increase too quickly, you start to develop the resources you need to pay for things like providing access to oral, dental health services, vision services and hearing services. So, we are looking forward to working with you to make sure we continue to make Medicare, even better. I know that really will depend on Congress but we are ready. **Senator Warren** said there are plenty of people just shy of Medicare age who need better hearing, dental and vision coverage, along with all the other benefits that Medicare has to offer. President Biden's proposed budget also calls on Congress to give people aged 60 and up the option to enroll in Medicare, a policy that some analysts predict would give 23 million people including nearly 2 million previously uninsured people access to the program. She asked why is it so important that Congress follows through on this proposal. **Secretary Becerra** said for all the reasons we now know as a result of COVID-19 that we have too many Americans who do not have any coverage and too many Americans who do not have enough coverage. The worst thing we could do is allow our family members who are reaching the age of qualifying for Medicare to be more at risk of suffering from a health

condition, lack of access to the kind of care that they will need. The President, as you mentioned, has been supportive of having the public option of having those 60 or older apply for Medicare. He has mentioned on many occasions that he's open to considering so many different ideas, but what he wants is for us to get something done. **Senator Warren** asked how you think Congress should respond. **Secretary Becerra** said COVID-19 has taught us so many different things and it continues to teach what happens when we are not prepared. No one wants the American public to not be prepared to face down, whether it is a pandemic, or something as serious as making sure that all of us have access to the prescription medication we need. We will leave it to Congress, but we think this is an opportunity to make a generational change in how we do business when it comes to prescription medication.