



## Policy Brief

March 5, 2021



### Hearings Reveal HHS Secretary Nominee Becerra's Policy Positions

Last week, HHS Secretary Nominee Xavier Becerra began Senate confirmation hearings, revealing a bit more of his stance on various health policy issues. Despite [not being](#) a health care provider, Becerra is no stranger to major health care legislation, including [defending the ACA](#) during his tenure as the California Attorney General. Becerra [promised](#) to work with lawmakers to "strengthen our Medicare and Medicaid lifelines, reduce the cost of health care and prescription drugs, and ensure we are accountable, spending resources wisely and effectively." We anticipate that Becerra will be confirmed, as Democrats hold a slim majority in the Senate.

#### Highlights from Becerra's Nomination Hearings

During the hearing, Becerra received the most scrutiny for his lack of medical expertise, although many of his supporters [pointed out](#) that only 3 of the past 12 HHS secretaries had medical degrees. Several Republicans also hammered him on partisan [issues](#), including his support for access to abortion services and "Medicare for All." In regard to his [stance](#) on the ACA, Becerra said his mission will be to "achieve the goals that President Biden put forward, to build on the Affordable Care Act." In addition to expanding insurance coverage, Becerra suggested several [cost-cutting](#) efforts he supports, such as promoting hospital price transparency and lowering insulin prices.

#### Previous Policy Stances Taken by Becerra

Becerra filed nearly 100 [lawsuits](#) against the Trump Administration during his tenure as California Attorney General. These lawsuits include the Administration's pressure on sanctuary cities to

cooperate with immigration authorities and the ban on travel from countries with a majority-Muslim population. He also joined bipartisan [suits](#) against opioids manufacturers, the tobacco industry and Medicare fraud. Becerra also fought an antitrust [case](#) against Sutter Hospitals in California, indicating he may be against hospital consolidation.

### **What's Next for Becerra**

The confirmation process in the Senate is coming down to party lines. On Wednesday, the Senate Finance Committee was [split](#) down the middle, which is enough to move it to the Senate floor for a vote. If Democrats can be unified in voting in favor nominating Becerra, we anticipate that Becerra will be confirmed along a 50-50 split, with the tie broken by Vice President Harris.



### **COVID-19 Relief Package Sent Back to the Drawing Board**

This week, Congress and President Biden began ironing out newly identified challenges facing the \$1.9 trillion COVID-19 relief bill. Lawmakers are racing against the clock, as many of the current pandemic-related relief measures are set to [run out](#) unless another package is passed. The latest draft of the bill hit its biggest snag on [raising the minimum wage](#) through the budget reconciliation process; this provision has now been removed. The Senate is honing the latest version of the relief bill this week, including additional provisions on unemployment and [tighter restrictions](#) on income limits for individual relief payments. If the bill is substantially changed, it will have to return to the House for another vote.

#### **So, what's happened with the third relief bill?**

Democrats originally hoped to use the COVID-19 relief package to increase the federal minimum wage to \$15 an hour, citing the massive [financial challenges](#) the pandemic has placed on American families. Because the relief bill is being passed through the [budget reconciliation](#) process, it is subject to special rules. This includes requiring the process only be used for bills impacting federal spending, which a wage increase would not. Because of this, the Senate spent this week drafting and passing a revised version of the package—this time, without the increase.

#### **What's different about the latest version?**

Other than removing the increase to the minimum wage, the current version of the relief bill includes provisions that seek to raise unemployment benefits, fund state and local governments'

vaccine distribution efforts and give \$8.5 billion to rural Medicare providers. So far, the bill does not include any additional funding for non-rural providers or small businesses; it also does not extend the federal moratorium on evictions to protect renters. As of Thursday, moderate Democrats and Republicans have successfully pushed for [lower income limits](#) on who can receive the forthcoming \$1,400 payments.

### **How much time does Congress have to get this done?**

While there is no official deadline for passing the relief package, lawmakers are aiming to have this latest wave of COVID-19 relief passed into law before the enhanced pandemic [unemployment benefits](#) expire on March 14<sup>th</sup>. Even if Congress makes their March deadline, out-of-work Americans may still experience a disruption in benefits, as the Department of Labor will still need to issue a new regulation based on the new law. Similarly, a tax incentive for employers offering [expanded paid leave](#) to employees during the pandemic will expire on March 31<sup>st</sup> unless extended.



### **Revoke Round-Up: Biden Administration Nixes Several Trump Era Policies**

On February 24<sup>th</sup>, President Biden signed an Executive Order (EO) revoking many of President Trump's presidential actions, in addition to earlier measures taken to roll back Trump-era policies. This order did away with five EOs and two memorandums from the former Administration on topics including regulation of the U.S. financial system, economic recovery from the pandemic, expanding apprenticeships and delegation of authority. Rolling back a previous president's EO is fairly common; [every president](#) since President Ronald Reagan has revoked his predecessor's orders. President Biden has chosen to target policies that could weaken the ACA, pose additional barriers to social service support or increase regulatory burdens. For a full list of revoked Trump-era EOs, click [here](#); for more on the reasoning behind these reversals, read more.

### **Executive Order 13828 Revoked: Opposing Work Requirements in Safety Net Programs**

*What This EO Entailed:* This Trump-era [Executive Order](#) required several U.S. agencies to review their federal assistance programs and determine whether to add work requirements for individuals receiving benefits. The Trump Administration's aim was to increase economic mobility while decreasing the reliance of able-bodied adults on social safety net programs.

*Why It Was Revoked:* The Biden Administration is in stark opposition to work requirements and has made it clear that they intend to revoke any measures that are a hurdle to obtaining benefits. Thus, the removal of this EO.

### **Executive Order 13924 Revoked: Reducing Burden on Federal Agencies**

*What This EO Entailed:* This Trump-era Executive Order called upon federal agencies to provide flexibilities and remove regulatory burdens to promote new jobs, provide regulatory relief to businesses and spur economic growth during the recovery from the COVID-19 pandemic. The EO was issued with an Office of Management and Budget (OMB) [memorandum](#), which required heads of agencies to revise their procedures and practices—an action viewed as creating burdens for federal agencies as they tried to comply.

*Why It Was Revoked:* The revocation of this EO removed the OMB memo and reduced the burden on federal agencies.

### **Executive Order 13801 Revoked: Preventing Duplicative Workforce Development Systems**

*What This EO Entailed:* This Trump-era [Executive Order](#) expanded apprenticeships and reformed ineffective education and workforce development programs. The Trump Administration's objective was to enable more Americans to obtain relevant skills and high-paying jobs.

*Why It Was Revoked:* The Biden Administration also plans to accelerate the expansion of apprenticeships in the U.S.; the revocation of President Trump's EO is intended to halt a [duplicate system](#) that reduced quality, stripped protections and caused confusion within industry. The US Department of Labor has [announced several actions](#) it will take under the Biden Administration to encourage apprenticeships.

## **Updates to COVID-19 Regulations**

AHPA continues to follow new COVID-19 regulations, guidance and other government actions. The updates below are the latest guidance and other developments since February 22<sup>nd</sup> to help mitigate the impacts of COVID-19. For earlier COVID-19 regulations and guidance, visit the previous [Policy Brief](#).

### **Executive Order: Securing America's Critical Supply Chains**

- President Biden has signed a new [Executive Order](#) aimed at improving America's supply chains, including for COVID-19 pharmaceuticals. The order directs an immediate 100-day review across federal agencies of all vulnerabilities, including those related to the pandemic.

### **New Federal Actions Announced to Expand Testing Access**

- President Biden's newly-announced [national strategy](#) includes measures to expand COVID-19 testing capacity across the country. Actions include directing HHS and the Department of Defense to partner in expanding testing at schools and homeless shelters,

increasing domestic manufacturing of supplies and materials, and increasing genomic sequencing.

### New Guidance for Plans and Issuers on Covering COVID-19 Diagnostic Testing

- CMS, the Department of Labor and the Department of the Treasury have issued [new guidance](#) focused on strengthening the requirements that plans and issuers cover diagnostic testing without cost sharing.

### HHS Taps Community Health Centers and Health Partners to Help Distribute PPE

- The Biden Administration [plans](#) to deliver over 25 million masks to under-resourced communities by way of community health groups through partnerships managed by the Department of Health and Human Services (HHS) and Department of Defense (DoD).

## Latest Leadership Nominees for the Biden Administration

Hearings have begun for many of the Biden Administration's top choices for health-related leadership roles. The Administration has several more hearings to schedule; these include [Dr. Rochelle Walensky](#) who is nominated for Director of CDC and [Chiquita Brooks-LaSure](#), nominated for CMS Administrator. President Biden also nominated [Dr. Liz Fowler](#) to be the Director of CMMI, although she will not need to go through a confirmation hearing. Here's what we know so far:

Leadership Position	Nominee	Status
<i>Director</i> <b>Centers for Disease Control and Prevention</b>	<b>Dr. Rochelle Walensky</b>	<i>Finalized</i>
<i>Surgeon General</i>	<b>Dr. Vivek Murthy</b>	<i>Hearings in Progress</i>
<i>Secretary</i> <b>Health and Human Services</b>	<b>Mr. Xavier Becerra</b>	<i>Hearings in Progress</i>
<i>Assistant Secretary</i> <b>Health and Human Services</b>	<b>Dr. Rachel Leland Levine</b>	<i>Hearings in Progress</i>
<i>Administrator</i> <b>Centers for Medicare and Medicaid Services</b>	<b>Ms. Chiquita Brooks-LaSure</b>	<i>Confirmation Still Needed</i>
<i>Director</i> <b>Center for Medicare and Medicaid Innovation</b>	<b>Dr. Liz Fowler</b>	<i>No Confirmation Needed</i>



## AHPA Resources

**Need an easy way to keep tabs on President Biden’s Executive Orders?** AHPA is keeping a running list of the latest Executive Orders coming out of the White House. Click [here](#) to download.

## IN OTHER NEWS

[What You Need to Know About Biden's Picks to Lead CMS and CMMI](#) – Advisory Board

[House Approves Major Election Reform and Voting Rights Bill](#) – NPR

[Spending on Health Care Would Drop by an Estimated \\$352 Billion in 2021 if Private Insurance Used Medicare Rates](#) – Kaiser

[CDC Article Highlights Trends in Health Centers’ Telehealth Use during the COVID-19 Pandemic](#) – CDC

[Murthy Vows to Focus on Mental Health Effects of Pandemic if Confirmed as Surgeon General](#) – The Hill

[Op-Ed: Election Integrity is a National Imperative](#) – Former VP Mike Pence, The Daily Signal