

# Protect Our Care Wisconsin: Hearings to Confirm Health Care Champion Xavier Becerra Begin

Posted on Tuesday, Feb 23, 2021

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WISCONSIN — Today, the Senate HELP Committee [will begin](#) confirmation hearings for President Biden's pick to lead the Department of Health and Human Services, Xavier Becerra. Tomorrow, the Senate Finance Committee [will take up](#) Becerra's nomination. Becerra has decades of experience and is well qualified to lead HHS. In addition to being an architect of the Affordable Care Act when he served in the House, Becerra also led the charge to protect Americans' health care against constant, baseless Republican attacks as California's attorney general. In response to the hearings, Protect Our Care Executive Director Brad Woodhouse issued the following statement:

"Xavier Becerra is a strong advocate for health care and has decades of experience protecting and expanding health care access, reducing the cost of prescription drugs, and fighting for health care equity. As HHS Secretary, he will work with President Biden to build on the strong foundation of the Affordable Care Act and tackle the pandemic, which has caused catastrophic health and economic fallout for Americans. The Senate should move quickly to confirm Becerra. Needlessly delaying this confirmation process will put more lives at risk in the middle of a pandemic that has killed 500,000 Americans. President Biden has already taken bold action to combat the pandemic, but he cannot go it alone, and he needs to have a Senate-confirmed HHS Secretary to work to end the pandemic."

Secretary-designate Becerra is an experienced litigator who is more than capable of protecting health care access and affordability. As California's attorney general,

Becerra was instrumental in filing over 100 lawsuits against the Trump administration, including leading the fight in *Texas v. California*, another attempt by Republicans to completely dismantle the Affordable Care Act. Becerra also worked with 11 state attorneys general to protect consumers against so-called junk health care plans that evade ACA basic coverage requirements. In 2014, when House Republicans tried to stop cost sharing reduction payments, Becerra intervened on behalf of consumers and helped to reach a settlement. After the Trump administration targeted immigrant families who rely on health safety net programs with the “Public Charge” rule, Becerra led a coalition of attorneys general who successfully won a preliminary injunction against the rule.

Secretary-designate Becerra is also an experienced legislator. Before Becerra was attorney general of California, he spent 24 years in the House of Representatives including time at the Ways and Means Committee health subcommittee, where he worked tirelessly to protect Medicare and Social Security. There, he was an original co-sponsor of the Affordable Care Act which has extended coverage to more than 20 million Americans and protections for 135 million people with pre-existing conditions. Becerra helped draft the bipartisan Improving Medicare Post-Acute Care Transformation Act of 2014 (IMPACT Act), which directed the HHS Secretary to study the impact of socioeconomic status on Medicaid’s value-based programs. Becerra is also an experienced dealmaker who has worked to resolve legislative conflicts. During ACA negotiations, Becerra was essential in resolving a conflict between members with urban and rural districts and won the confidence of both sides by ensuring a funding model that relied on facts and science.

Secretary-designate Becerra has fought for affordable and accessible prescription drug prices during his career. As attorney general, he led the defense of California’s law that bans “pay for delay” agreements that keep generic versions of medications off of the market. As part of this defense, Becerra was able to secure \$70 million in agreements against pharmaceutical companies. He led a bipartisan group of attorneys general to force major drug manufacturers to follow the 340B Drug Pricing Program, which provides drug discounts to low income and uninsured groups. As a member of the House, Becerra launched a House Affordable Drug Pricing Task Force in 2016, which sought to address the rising costs of prescription drugs. Becerra is unafraid to stand up to drug manufacturers, having secured a \$10 million agreement with the pharmaceutical companies Royal Pharmaceuticals and Seton Pharmaceuticals after a reporting error led to the underpayment of Medicaid drug rebates. Becerra will be able to work to ensure that pharmaceutical drugs are

affordable and accessible.

Secretary-designate Becerra is also the right fit for this position at a time when HHS needs a strong leader who will work with the entirety of the government to put an end to the pandemic. From the beginning of the pandemic, Becerra urged former President Trump to invoke the Defense Production Act to provide sufficient PPE. In the midst of the pandemic, Becerra joined other attorneys general in calling on CMS Administrator Seema Verma to increase transparency and accountability from nursing homes. As a result, CMS issued interim rules that required nursing homes to inform family members about COVID-19 infections and ensured that federal health agencies received data on any cases. Becerra also led the fight to ensure that potentially-lifesaving drugs to combat COVID-19 were available to those that needed them.

In the middle of a pandemic that has killed 500,000 Americans, needlessly delaying this confirmation process continues to put more lives at risk. President Biden has already taken bold action to combat the pandemic, but he cannot go it alone, and he needs to have a Senate-confirmed HHS Secretary to work to end the pandemic.

## **Xavier Becerra Has the Experience and Qualifications Needed to Be Secretary of HHS:**

### **Expanding Access To Care & Lowering Costs**

- Becerra was an [original co-sponsor](#) of the Affordable Care Act and helped write the portion of the ACA that addresses Medicare benefits and reimbursements.
- Becerra [served](#) in Congress for 24 years and was the first Latino to serve on the House Ways and Means Committee where he tirelessly worked to protect Medicare and Social Security.
- Starting in 2007, Becerra was the [lead sponsor](#) of the Medicare Savings Programs Improvement Act. The bill expanded cost-sharing subsidies for low-income seniors who receive both Medicare and Medicaid benefits by increasing the amount of resources they could receive and making assistance available to more seniors who need medical care, but can't afford it. Portions of Becerra's legislation were included in legislation passed by the House in [2008](#) and [2015](#).
- Becerra [sponsored legislation](#) to raise the cap on benefits for patients receiving Medicare physical therapy.
- In 2009, Becerra [sponsored](#) the E-Centives Act, which provided incentives for Medicaid providers to improve care by implementing electronic health records.

A [version](#) of Becerra's bill was included in the American Recovery and Reinvestment Act.

- Becerra helped draft the Improving Medicare Post-Acute Care Transformation Act (IMPACT) of 2014, requiring the HHS Secretary to conduct research on issues related to socioeconomic status in Medicare's value-based programs.
- During negotiations over the ACA, Speaker Pelosi asked Becerra to resolve a dispute between a group of members of Congress representing rural areas and members ailing from large urban areas about the fairness of Medicare payments. Becerra secured their confidence in how the ACA would handle Medicare payments by assuring them that Congress would rely on the facts and science to determine payments long-term and he [secured short-term relief](#) for states with Medicare per enrollment spending (states that represented more rural areas) — an additional \$400 million for their communities, each year for two consecutive years.
- As California Attorney General, Becerra worked with the state senate on [legislation](#) that would make healthcare more affordable and accessible by cracking down on anticompetitive behavior and consolidation in the healthcare market. The bill required the Attorney General's Office to review and approve affiliations or acquisitions between healthcare systems, facilities, or provider groups to ensure transactions either improve care coordination or increase healthcare access for underserved populations.
- As California Attorney General, Becerra took on Sutter Health, the largest hospital system in northern California, reaching a [\\$575 million settlement](#) for anti-competitive behavior and price gouging charges

## **Fighting to Protect the Affordable Care Act**

- In the House, Becerra fought back against multiple attempts to repeal and sabotage the Affordable Care Act, voting at least nine times against efforts to fully repeal or defund the law. Becerra [stood up](#) to protect the law and its achievements, which he said he was "very proud" of.

Becerra has been a stalwart legal defender of the Affordable Care Act, taking on at least four cases to protect the law:

- Becerra has [led the 20+ state coalition](#) of attorneys general fighting to protect the Affordable Care Act from the Republican effort to repeal the entire law via the *California v. Texas* lawsuit. The case was heard at the Supreme Court on November 10, 2020.

- Becerra [joined a coalition](#) of attorneys general filing a lawsuit in opposition to the Trump administration's expansion of Association Health Plans that offer junk insurance that doesn't have to comply with ACA coverage requirements and protections.
- Becerra [intervened](#) in *House v. Hargan*, a lawsuit filed by Republicans seeking to eliminate cost sharing reduction payments and undercut the affordability of the ACA's health plans. He then [led a multi-state coalition](#) in *California v. Trump* suing the administration over its decision to stop making CSR payments as required by the ACA.
- Becerra [led a coalition](#) of attorneys general who successfully secured a preliminary injunction against the Trump administration's "Public Charge" rule, which targeted immigrant families who often rely on health safety net programs.

## Reducing Drug Prices

- Becerra [led the defense](#) of California's law banning collusive "pay for delay" pharmaceutical agreements that delay generic drugs from entering the market and keep costs high. Becerra [secured](#) nearly \$70 million in settlements against drug companies for entering these "pay for delay" agreements.
- Becerra [launched](#) a House Affordable Drug Pricing Task Force in 2016 to address the rising costs of prescription drugs.
- Becerra [led](#) a bipartisan coalition to protect the 340B Drug Pricing Program, which provides drug discounts to low-income and uninsured populations.
- Becerra [helped](#) secure a \$10 million settlement with two pharmaceutical companies, Royal Pharmaceuticals and Seton Pharmaceuticals, after a reporting error led to the underpayment of Medicaid drug rebates.

## Fighting The Covid-19 Pandemic

- Becerra led a [bipartisan multi-state coalition](#) to urge the federal government to take action to increase the supply and affordability of drugs to fight Covid-19.
- Becerra has [repeatedly urged](#) President Trump to fully invoke the National Defense Production Act to ensure that Americans have enough PPE.
- In May 2020, Becerra and other state attorneys general [called on](#) CMS Administrator Seema Verma to increase transparency and accountability from nursing homes as Covid-19 continued to spread through Medicare and Medicaid facilities. Following Becerra's letter, CMS issued [interim rules](#) to ensure that nursing homes would quickly notify family members of illness and

provide data to federal public health institutions about any cases

## **Reproductive Rights And Equitable Care**

- Becerra [sued](#) to overturn the Trump administration's "Healthcare Refusal Rule," which jeopardizes health and safety by allowing anyone remotely involved in a healthcare transaction—from doctors to ambulance drivers or front office staff— to deny care on religious or moral objections.
- Becerra is a stalwart supporter of reproductive freedom. He [led a lawsuit](#) against the Trump administration's rules that would take away access to birth control and [defended](#) the Title X Family Planning Program in court, which funds care for more than four million people each year.