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PPC CAPITOL CONNECTION

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What Matters Now in Washington:

- Congress may be nearing a deal on an omnibus spending bill and additional COVID-19 relief, but obstacles remain to striking a final deal. [More...](#)
- The Biden transition team is rolling out top-level picks for health rolls, with Xavier Becerra slated to run HHS. [More...](#)
- The first COVID-19 vaccine received authorization and another seems likely to follow closely behind, but pediatric data for these vaccines is currently limited. [More...](#)
- The Supreme Court may be unlikely to preemptively stop the Trump administration from excluding undocumented immigrants from Census data. [More...](#)
- The NIH has announced funding for a new faculty diversity recruitment and development program. [More...](#)
- PPC members authored policy commentaries in *Pediatric Research* exploring the intersections of child health policy, advocacy, and pediatric research. [More...](#)

END-OF-YEAR PACKAGE IN SIGHT BUT OBSTACLES REMAIN AS CONGRESS BUYS ITSELF EXTRA TIME.

Congress may finally be on the brink of clinching a major year-end package after months of stalemate over government funding and additional pandemic relief. In a promising sign, [Congress approved a one-week stopgap funding bill](#) extending the deadline for funding the government to December 18 to allow more time to negotiate a final package.

While prospects for a major legislative package appeared slim in the immediate aftermath of the election, signs of a détente began to emerge shortly before Thanksgiving when top House and Senate appropriators struck a [deal on top-line spending numbers](#) for government funding bills. The agreement gives each of the 12 appropriations subcommittees responsible for funding specific parts of the government the [total amount of money they will have to spend](#) on the agencies under their purview. Those funding totals are [not expected to be released](#) until negotiators from both chambers have hammered out legislative text for an omnibus spending deal.

With a major legislative vehicle more likely than ever, additional pieces for a larger deal began to fall in place after the Thanksgiving holiday. In early December, House Speaker Nancy Pelosi (D-Calif.) and Senate Majority Leader Mitch McConnell (R-Ky.) made known their [desire to attach pandemic relief legislation to the year-end spending bill](#). Their blessing gave a [bipartisan pandemic relief proposal](#) released that week more weight, and [support from President-Elect Joe Biden](#) further bolstered the effort. It is now the backbone of ongoing negotiations.

The [\\$908 billion proposal](#) calls for the extension of expiring CARES Act provisions like emergency unemployment benefits and additional funds for programs like the Paycheck Protection Program. It would also extend federal enhanced unemployment benefits for 16 weeks, providing an additional \$300

a week on top of state benefits rather than the \$600 a week provided by the CARES Act through July. The bipartisan Senate group has also called for an additional \$35 billion for the Provider Relief Fund, technical fixes to address implementation issues in the program, and nearly \$6 billion for vaccine development and distribution. It also includes funds for COVID-19 testing and contact tracing.

Despite major progress, [hurdles remain to reaching a final deal](#). Funding for state and local governments and liability protections for businesses, top priorities for Democrats and Republicans respectively, continue to be the two thorniest issues dividing the parties. The bipartisan proposal does recommend \$160 billion in state and local funding while agreeing in principle to address liability protections through future good faith negotiations.

Leader McConnell recently called for setting these issues aside in the current round of pandemic relief and returning to them in the new year, significant movement from the Majority Leader's previous "red line" position on the issue of liability reform. While [Democrats initially rejected the notion of passing a bill without funding for state and local governments](#), House Majority Leader Steny Hoyer (D-Md.) indicated over the weekend that [Democrats may be willing to accept a compromise package without state and local funding](#). Separately, [Speaker Pelosi and her Senate counterpart Minority Leader Chuck Schumer](#) (D-N.Y.) [rejected a \\$916 billion White House proposal](#) that excluded the two hot button items, urging instead for a return to ongoing bipartisan negotiations.

While [Speaker Pelosi continues to claim that a deal is near](#), [confusion remains on Capitol Hill](#) over the growing number of pandemic relief proposals, and the ultimate outcome of ongoing legislative efforts won't be clear until legislative text for a bill is in hand.

WITH TRANSITION PROCESS IN MOTION, BIDEN BEGINS TO BUILD OUT HEALTH CARE TEAM. President-Elect Joe Biden [announced Xavier Becerra as his choice to lead the U.S. Department of Health and Human Services](#) (HHS) in his administration, marking the beginning of what may be a long confirmation fight in the U.S. Senate. If confirmed, he would be the first Latinx individual to run HHS.

Mr. Becerra comes to the role with [strong health policy expertise but little experience running major public health programs](#). He is currently the Attorney General of California, where he has led a [multistate coalition defending the Affordable Care Act](#) in the Supreme Court from a Texas challenge after the Trump administration declined to defend the law. During his tenure as California Attorney General, he has [challenged other controversial federal government actions](#), including the Department of Homeland Security's public charge rule that would penalize legal immigrants for using public benefits to which they are entitled under law. Prior to his role in state government, Mr. Becerra represented a Los Angeles-area district in the House of Representatives. His lack of on-the-ground health care experience and aggressive legal challenges to Trump administration policies have already raised [red flags with Senate Republicans](#), who will hold the key to his confirmation if they end up retaining control of the chamber.

The Biden team also announced Obama-era [Surgeon General Dr. Vivek Murthy will be returning to that role](#) with additional responsibilities related to the pandemic and [Dr. Rochelle Walensky will serve as director of the Centers for Disease Control and Prevention](#) (CDC).

The PPC has already joined a [letter to the Biden transition team](#) urging a commitment from the incoming administration to foundational scientific principles, emergency supplemental funding for the National Institutes of Health (NIH), and sustained funding increases for the NIH in future years. While nominations for leadership of other agencies like the NIH and the Food and Drug Administration (FDA)

will become clear in the coming weeks and months, the Biden team will certainly be weighing his [pledge to vaccinate millions of people from SARS-CoV-2 and reopen schools within the first 100 days](#) of his administration as it identifies its health team.

AS FIRST VACCINE CROSSES THE FINISH LINE WITH ANOTHER CLOSE BEHIND, PEDIATRIC DATA LAGS. A steady stream of positive news from SARS-CoV-2 vaccine trials has raised hopes in recent weeks that a safe and effective vaccine is on the horizon, but limited testing in children may slow vaccination of young people when vaccines are approved. The [Pfizer](#) vaccine received an FDA emergency use authorization (EUA) last Friday and the [Moderna](#) vaccine seems on track for a decision on its EUA this week. The vaccines are supported by trials showing roughly [95 percent efficacy for both products](#). However, Pfizer has only enrolled children as young as 12 in its ongoing trials and Moderna has not yet begun enrolling children under 18, though it announced [plans to do so](#) recently. Other vaccine candidates in the clinical trial process have not yet begun enrolling children in their trials.

As a result, Pfizer requested authorization for use in individuals ages 16 and up, while Moderna's application is for individuals 18 and older. In other words, the labeling for the first two SARS-CoV-2 vaccines will largely exclude children when they are first authorized. Rigorous study of these novel vaccines in children is critical to ascertain safety, tolerability, dose, and regimen information, and most importantly will ensure that a vaccine is available to help children resume school and other normal activities as soon as possible.

SUPREME COURT SKEPTICAL OF IMMEDIATELY OVERTURNING TRUMP EFFORTS TO EXCLUDE UNDOCUMENTED IMMIGRANTS FROM CENSUS COUNT. In a late November hearing, [conservative justices on the Supreme Court questioned whether it was appropriate to throw out a Trump administration directive](#) to exclude undocumented immigrants from data used to distribute House seats among the states. Though a ruling in 2019 barred the administration from asking about citizenship status on the Census questionnaire, President Trump has ordered the Census Bureau to ascertain data about immigration status through administrative records and remove them from the count. Such a move would likely skew representation in the House of Representatives to states with smaller immigrant populations, though many believe it will not be feasible based on the data available to the government. Under the Constitution, the Census is required to count the "whole number of persons in each state."

During the hearing, the justices did not focus on the question of whether the Trump administration was legally allowed to exclude undocumented immigrants. Rather, they suggested such a ruling might be premature since it is not yet clear how or if the administration might be able to execute the proposal. On the question of legality, there was some indication that the Court viewed the general concept of excluding undocumented immigrants from the Census as unlawful. However, a final ruling on the matter may have to wait until after apportionment data is produced, and it appears increasingly unlikely that the Trump administration will be in office long enough to carry out the move.

NIH TO FUND COHORT RECRUITMENT AND DEVELOPMENT PROGRAM TO ENHANCE DIVERSITY AND INCLUSION AMONG BIOMEDICAL FACULTY. The NIH announced a new program to support institutions in recruiting and training diverse NIH-funded researchers. The effort will focus on funding cohorts of individuals to enhance recruitment and retention. [Read more about the effort online.](#)

PPC POLICY COMMENTARIES. Members of the PPC have authored commentaries detailing the policy implications of research published in *Pediatric Research*. You can read these PPC-authored commentaries online:

- [First aid for Medicaid: losses in children's health insurance](#) by Shetal Shah, MD, Alice Kuo, MD, and Heather Brumberg, MD, MPH