



# McDermottPlus Healthcare Preview

WEEK OF SEPTEMBER 8, 2020

## CONGRESS IS BACK.

- + **WHAT WILL CONGRESS FOCUS ON?** That's the key question as we begin this week and head into the fall. First, September 30 marks the end of the fiscal year for the federal government. Every September brings with it the possibility for chaos as Congress tries to keep the government funded. This September promises to be no different with the pressure of a government funding bill exacerbated by the pressure of a COVID-19 relief bill and a presidential election less than two months away. However, it is unlikely that Congress fails to fund the government. In fact, last week there were signals that House Speaker Nancy Pelosi (D-CA) and Treasury Secretary Steven Mnuchin agreed to pursue a "clean" continuing resolution (CR) that would extend current funding levels into the new fiscal year. The questions that remain are how long the CR will be, when will it come together, and are there opportunities for other policy provisions to be attached to it?

The prospects for a COVID-19 relief package are not optimistic at this moment. Democrats are holding out for a \$2 trillion COVID-19 package. On the other hand, Republicans have discussed a "skinny" COVID-19 relief package as their approach. While it is possible they find common ground under political pressure in September, we can be sure that there will be significant chatter on the package and the variety of policy provisions in play this month.

- + **WHAT DOES THE ADMINISTRATION FOCUS ON IN THE LEAD UP TO THE ELECTION?** As we enter the fall and close in on the election, we need to revisit the [Congressional Review Act \(CRA\)](#). The CRA authorizes Congress to issue a joint resolution of disapproval within 60 days of its receipt of a regulation. Meaning Congress can effectively stop a regulation from being implemented within the 60 day period it is finalized and sent to Congress. There are specific rules regarding the start date of the 60 day clock and how days are counted, but at this point in the year, any rule that the Trump Administration puts out could be subject to the CRA in the next congressional session. It can be expected that under a Biden Administration and a Democratic controlled Senate and House, the CRA will be used significantly to roll back Trump Administration regulations. That being said, if the Administration puts out any regulations prior to the election, it means they are in the Administration's political interest. We keep both of these things in mind as we review regulations that are issued over the next few weeks.

### THIS WEEK IN THE SENATE

Senate Health, Education, Labor, and Pensions Committee

[Vaccines: Saving Lives, Ensuring Confidence, and Protecting Public Health](#)

Wednesday, September 9<sup>th</sup> at 10:00am

### THIS WEEK IN THE HOUSE

Energy and Commerce Committee

[Mark-up of 38 bills](#)

Wednesday, September 9<sup>th</sup> at 11:00am

### CONTACT INFO

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