

Viohl and Associates Highlights: “On the Front Line: How Governors are Battling the COVID-19 Pandemic”

Overview

On June 2, 2020, the Oversight and Investigations Subcommittee of the House Committee on Energy and Commerce heard testimony from Governors Asa Hutchinson of Arkansas, Jared Polis of Colorado, and Gretchen Whitmer of Michigan on their states’ approaches to managing the COVID-19 pandemic.

The Governors covered a variety of COVID-19-related topics, including expanding testing capacity, medical and equipment supply issues, budgetary concern, reopening, and plans for a “second wave” of infections. Committee members’ questions gave the Governors an opportunity to elaborate on their challenges and successes in managing the pandemic. Committee members also requested the Governors’ perspectives on how the federal government can better support states’ efforts.

Opening Statements

In her [opening statement](#), *Subcommittee Chair Diana DeGette* stressed the need for widespread testing and argued that the Trump administration’s testing strategy has been largely insufficient to meet the massive demand for tests necessary to slow and understand the spread of COVID-19. While commending the Governors for their work, she criticized the Trump administration’s pandemic response and called on the Trump administration to offer more support to states. In his [opening statement](#), *Committee Chair Frank Pallone* also criticized the Trump administration for its response and echoed many of Congresswoman DeGette’s concerns.

Subcommittee Ranking Member Brett Guthrie, in his [opening statement](#), cheered states for their efforts in handling the pandemic and offered a defense of the federal pandemic response, noting supply line issues and other external barriers to mass testing. He stressed the need for a bipartisan collaborative approach in addressing the pandemic moving forward.

Testimony Highlights

Click here for the full written testimony of [Governor Hutchinson](#), [Governor Polis](#), and [Governor Whitmer](#).

Testing, Supply Challenges, and Shortages

Diagnostic testing was a major focus of the hearing. All three governors agreed that expanding COVID-19 testing would be crucial to minimize the number of infections in their state and discussed their ongoing challenges to scaling their testing operations quickly. *Governor Whitmer* and *Governor Polis* suggested ways to address some of these challenges, including more transparency from the federal government on their supply strategy (i.e., “what we’re going to get, and when”), stronger federal coordination to prevent states from competing against each other for supplies, and greater use of the Defense Production Act to manufacture equipment like testing supplies, PPE for healthcare workers, and ventilators. All three Governors agreed that early-on shortages of crucial personal protective equipment (PPE) and testing supplies slowed their initial response to COVID-19, and said they hoped the federal government would better support states to address and prevent supply shortages.

Members of the subcommittee asked the Governors about testing efficacy. *Governor Whitmer* discussed her state’s efforts to expand antibody testing. The Governor noted that while antibody tests can sometimes be inaccurate, data from antibody testing could still be invaluable to public health officials planning a future COVID-19 response strategy, since these tests can give them a better idea of who is infected with, or potentially resistant to the virus. *Governor Polis* said he is prioritizing other kinds of tests that show who is actively contagious so those individuals can be better contained, thereby removing a major obstacle to reopening.

Contact Tracing

Subcommittee members asked the Governors about what role contact tracing will play in the upcoming months. *Governor Hutchinson* said contact tracing, in combination with more widespread testing, is an important part of his plan to reopen safely. He also noted the challenges associated with expanding contact tracing, including the need for a much larger state workforce and a high rate of public participation. *Governor Whitmer* said she felt public trust in the government’s response to COVID-19 will be critical to ensure high rates of public participation in contact tracing. *Governor Polis* agreed, and said

other Governors and legislators could help improve public trust by showing their competence in managing the pandemic and by leading by example (e.g., wearing a mask in public, demonstrating social distancing). Governors asked members of the subcommittee to provide additional federal financial assistance as their states begin to set up contact tracing programs.

Budgetary Challenges

Governors were also asked to elaborate on their states' financial challenges resulting from the struggling economy. **Governor Whitmer** said that her state has been hit especially hard by financial challenges. She noted that public programs, which account for the majority of Michigan's state budget, could benefit from additional federal financial support. She specifically mentioned the temporary 14 percentage point increase in the Medicaid Federal Medical Assistance Percentage (FMAP) included in the HEROES Act would be very helpful for Michigan, and asked that Congress consider increasing the FMAP through June 2021. **Governor Hutchinson** said a plan to safely reopen was critical to the economic health of his state. He argued that to alleviate economic troubles, states must manage risks and reopen, rather than be too cautious and leave many businesses closed. All three Governors expressed their gratitude for the fiscal stimulus granted in the CARES Act, and asked that Congress consider additional stimulus in the future if economic conditions do not improve.

Reopening Plans

While expressing concerns about the economic health of states, several subcommittee members asked how states were handling the challenge of safely reopening. **Governor Hutchinson** noted that his state never had a stay-at-home order, but also highlighted his state's use of safety measures as businesses were kept open. The Governors agreed that perpetual stay-at-home orders were not sustainable, and discussed how their states were beginning to ease restrictions. **Governor Polis** highlighted his state's transition from a stay-at-home order to a new plan, called "Safer at Home". The Governor explained that this plan focuses on reopening essential businesses while minimizing unnecessary exposure, and suggested that such a plan could be used as a model for other states.

Planning for the Second Wave

Looking to the upcoming flu season, some subcommittee members asked Governors about their plans if another major spike in COVID-19 cases occurs. **Governor Whitmer** said she felt Governors must emphasize to the public the importance of receiving a flu vaccination this season and maintain or reintroduce key safety measures as a preventative step. **Governors Polis and Hutchinson** briefly noted that laying the groundwork for widespread testing and containment now will help manage another outbreak if it occurs in the future. All three governors said they supported building a robust network for contact tracing now so that if a new outbreak occurs, their states can be ready.

Nursing Homes

A few members of the subcommittee expressed their concerns about state policies resulting in COVID-19-positive patients being returned to nursing homes, and requested Governors explain their current policies. **Governor Hutchinson** said that Arkansas has never had a policy of sending COVID-19 patients back to nursing facilities, and that nursing homes should have effective isolation plans for COVID-19 patients, especially in large facilities. He also expressed his hope that Governors will expand testing and contact tracing for nursing home employees so that nursing home visits can resume. **Governor Polis** explained that he ordered all nursing homes and facilities to submit isolation plans for COVID-19 patients, and suggested that Governors in other states encourage nursing homes to develop such plans. **Governor Whitmer** said she is reviewing her state's nursing home policies and also encouraging nursing homes to carefully plan effective isolation strategies. She noted that her administration never directed infected patients to be returned to nursing homes without ensuring those patients were properly isolated.

Federal Support

Subcommittee members concluded their hearing by asking governors what the federal government can do to better support their states. **Governor Whitmer** reemphasized the importance of transparency, leadership, and collaboration from the federal government. She also told subcommittee members that increased fiscal stimulus to prevent budget shortfalls will also be crucial to supporting frontline employees. **Governor Polis** echoed Governor Whitmer's concerns about budgetary challenges, saying that social programs in Colorado may suffer if financial problems persist. Throughout the hearing **Governor Hutchinson** stressed the importance of flexibility for states and expressed his support for continued bipartisan cooperation.