

American Nephrology Nurses Association

Daily Capitol Hill Update – Monday, January 13, 2020

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- 12:30pm: President Trump has lunch with Vice President Mike Pence
- 2:00pm: Trump receives intelligence briefing
- 4:10pm: Trump departs Washington for New Orleans
- 8:00pm: Trump watches Louisiana State University and Clemson University face off for the college football championship in New Orleans
- 10:05pm: Trump leaves New Orleans to return to Washington

CONGRESS

- House meets on noon; first votes of week at 6:30pm
 - The chamber expects to vote this week on a resolution that would send the impeachment of Trump to the Senate for a trial
 - Speaker Nancy Pelosi plans to meet with House Democrats on Tuesday to determine the timing
- Senate meets at 3pm; resumes consideration of Peter Gaynor to lead FEMA

Congressional, Health Policy, and Political News

- **Arkansas Drug-Pricing Law Will Get Supreme Court Review:** The U.S. Supreme Court will hear a case that could decide the validity of at least 38 states' laws regulating how companies like Express Scripts and CVS Health make money off prescription drugs. The justices agreed Friday to take a case asking whether an Arkansas law regulating pharmacy benefit managers is preempted by the federal Employee Retirement Income Security Act. The Pharmaceutical Care Management Association, a trade group representing PBMs, successfully challenged the law on ERISA preemption grounds in the Eighth Circuit.
 - The court's decision to hear the case came at the urging of U.S. Solicitor General Noel J. Francisco, who argued that the Arkansas law doesn't reference ERISA plans or have an impermissible connection with them.
- **Supreme Court Urged to Reject Fast Action on Obamacare Appeal:** There's no reason the U.S. Supreme Court should fast-track its consideration of an appeal over the constitutionality of Obamacare, the Trump administration said. "The Fifth Circuit's decision itself does not warrant immediate review because it did not definitively resolve any question of practical consequence," Solicitor General Noel Francisco told the court in a filing Friday.

- A group of mostly Republican states led by Texas also urged the court in a separate filing to deny the requests for the court to speed up its review of the appeal. "In reality, there is no emergency justifying that departure from the ordinary course," the group said
- **Declines in Fatal Opioid Overdoses:** States that have expanded eligibility for Medicaid under the Affordable Care Act had lower opioid overdose death rates on average compared with non-expansion states, according a new study by researchers at several universities. They found counties in expansion states averaged an 11% lower death rate from overdoses involving heroin and a 10% lower rate for synthetic opioids like fentanyl compared to counties in non-expansion states. The rates reflect the number of opioid deaths per 100,000 persons.
- **Impeachment Adds to Trump's Legal Headaches:** Trump's Senate impeachment trial comes amid a long list of federal court cases that threaten to generate more trouble for him during the election year. House committees are seeking his financial records, a New York prosecutor wants his income tax returns, and public officials and private watchdogs say he's unlawfully profiting from foreign government business. The House Judiciary Committee is suing to get the records of former Special Counsel Robert Mueller's Russia investigation, and a court is being asked if former White House Counsel Don McGahn must testify.
 - Three of these cases will be considered by the U.S. Supreme Court in the spring.
- **Iran Admits Downing Jet, Sparking Anger, Protests:** Iran said it accidentally shot down a Ukrainian jetliner it mistook for a cruise missile, a dramatic reversal that triggered international condemnation and protests in the streets of Tehran that in turn drew support from Trump. "We are following your protests closely, and are inspired by your courage," Trump said Saturday in a tweet posted in Farsi and English.
 - Ukrainian President Volodymyr Zelenskiy said in a televised address that he wants a full admission of guilt by Iran for what authorities there called a "disastrous mistake." Ukraine and Iran will work jointly to decode the black boxes of the doomed Ukrainian Boeing jet, Zelenskiy said. The Ukrainian government will make payments to the families of each of those who died in the crash, he said.
 - A senior Trump administration official, who declined to be identified, said the tragedy showed Iran's "reckless actions have again had devastating consequences."
 - Meanwhile, Defense Secretary Mark Esper said yesterday Iran planned to attack several U.S. sites within days before Soleimani was killed on Trump's orders. "I believe there were threats to multiple embassies," Esper said on CNN's "State of the Union," while explicitly mentioning only the U.S. embassy in Baghdad. "I think that the attack was days away" and would result in "open hostilities," he said.
 - Esper and National Security Adviser Robert O'Brien took to the Sunday news shows to bolster Trump's statement from Friday that Iran "probably" was targeting four U.S. embassies, as the rationale for the deadly Jan. 2 drone strike

on Soleimani continued to shift. Even so, the administration officials offered little specific evidence about the decision-making and intelligence that led to Soleimani being targeted.

- **U.S. Troops Killed by Roadside Bomb in Afghanistan:** A convoy of U.S. troops was hit by a roadside bomb in Afghanistan's province of Kandahar on Saturday, AP reported, citing unidentified NATO and local officials. Two U.S. troops were killed and two injured when the explosive device hit the military vehicle, military officials said. The Taliban earlier claimed responsibility for the attack through its spokesman Qari Yousuf Ahmadi. After the incident, foreign troops cordoned off the area, keeping Afghan forces away, Reuters reported earlier.
- **Trump's Trade Deal Rouses Conundrum of Trusting China:** After three years of tweets and tariffs, Trump has arrived at his China moment. With the signing Wednesday of a "phase one" deal that includes Chinese commitments to respect American intellectual property, not manipulate its currency, and a U.S. expectation for \$200 billion in new purchases that should help reduce a yawning trade deficit and repair some of the damage suffered by farmers, Trump will deliver at least a partial agreement many skeptics doubted was ever possible.
 - But even that political victory leaves Trump confronting the same China conundrum that has plagued his predecessors. The broad and bipartisan agreement in Washington is that American presidents have for decades been hoodwinked by a China that has often failed to deliver on its promises.
- **Biden Urges Stronger Ties With Taiwan:** U.S. officials reiterated their partnership with Taiwan and Democratic candidate Joe Biden advocated stronger relations with the island after President Tsai Ing-wen swept to victory in an election that pressured voters to pick sides in the battle for influence between America and China. "You are stronger because of your free and open society," Biden, the former U.S. vice president, said in a tweet congratulating Tsai. "The United States should continue strengthening our ties with Taiwan and other like-minded democracies."
 - He followed comments from Secretary of State Michael Pompeo, who highlighted the "strong partnership" between the U.S. and Taiwan. "The American people and the people on Taiwan are not just partners – we are members of the same community of democracies, bonded by our shared political, economic, and international values," Pompeo said in a statement.
- **Sanders Enjoys Frontrunner Status in Iowa:** Sen. Bernie Sanders (I-Vt.) was riding high on Saturday in Iowa, enjoying his first taste of Iowa front-runner status in the 2020 campaign. Fresh off an Iowa poll that put him at 20% support in Iowa and a narrow lead, Sanders greeted a crowd in Newton, Iowa, on what he called a "nice Vermont day" -- sunny and 19 degrees. Just three months ago, Sanders was recovering from a heart attack that many expected to slow, if not end, his second presidential run.

- “I would not be here asking for your support if I did not have the strength” to win, he told supporters after a speech mostly devoted to Medicare for All. He also took questions on a variety of topics from climate change to the tensions in Iran.
 - In New Hampshire, the state’s second-largest union will endorse Sanders for president, his campaign announced yesterday. SEA/SEIU Local 1984, which represents 10,000 public and private sector workers in the state, also endorsed Sanders in 2016, when he won the New Hampshire primary, beating Hillary Clinton.

- **Warren Turns Back to Women Voters:** Sen. Elizabeth Warren (D-Mass.), who has seen her national lead dwindle on the eve of the Iowa caucuses, is turning back to a bloc of voters she once appeared to have locked up: Women. She’s putting high-profile women surrogates and activists on the front lines of her campaign in Iowa, giving interviews to fashion magazines and trying to broaden her coalition beyond the white, educated progressives who form the backbone of her support.

- **Buttigieg Endorsed by Iowa Congressman:** Rep. Dave Loebsack (D-Iowa) endorsed Pete Buttigieg yesterday, giving the former mayor of South Bend, Ind., a high-profile supporter weeks before the Iowa caucuses. Loebsack, who is retiring from Congress after seven terms, represents Iowa’s 2nd District, which includes much of the eastern and southern part of the state.

- **Bloomberg Will Spend to Beat Trump, Even If He’s Not the Nominee:** Michael Bloomberg said Saturday he’s willing to spend a lot of money -- but “hopefully not” as much as \$1 billion -- to help any Democratic nominee defeat Trump, even if he loses the nomination. Bloomberg, who joined the Democratic presidential contest Nov. 24, said in an interview that he plans to keep “a chunk” of his 500-person ground game operation working to defeat Trump, regardless of who wins the primary contest.

- **Trump Aide ‘Concerned’ Russia May Be Trying to Undermine Biden:** The U.S. government is “concerned” about a report that Russia may be attempting to undermine Democrat Joe Biden’s presidential campaign, National Security Adviser Robert O’Brien said yesterday. Trump has warned his Russian counterpart, Vladimir Putin, not to conduct any such election tampering, O’Brien said on ABC’s “This Week.”
 - “He’s absolutely told Putin to make sure that that doesn’t happen,” he said. O’Brien was asked about a report on Friday that U.S. intelligence and law enforcement officials are assessing whether Russia is trying to undermine Biden’s 2020 campaign with an ongoing disinformation operation.

- **Biden Hints He Opposed Obama Deportation Policy:** Biden suggested Saturday that he opposed Obama’s deportation policy, but didn’t speak out because he was vice president. “You privately know where I was on that but I’m not going to get into that because I was vice president,” Biden told Hector Sanchez Barba, who worked with the

Obama administration on immigration policy as the leader of a Latino labor group. He's now executive director and chief executive officer of Mi Familia Vota, a group that works to build Latino political power, which hosted Biden on Saturday in Las Vegas. Biden's remark implied that he disagreed with the then-president's approach but didn't want to discuss his opposition publicly.

- **Pompeo Plans Dinner With Tech Leaders:** Secretary of State Michael Pompeo is planning to attend a private dinner today with tech leaders including Oracle's Larry Ellison, according to people familiar with the matter. The dinner will be held in San Francisco. The aim is to drum up support for the Trump administration in Silicon Valley amid an ongoing conflict with Iran, according to one of the people, all of whom asked not to be identified discussing private information. The dinner guest list includes about 15 people, many of them tech industry leaders, including Sarah Friar, the chief executive officer of Nextdoor, Marc Andreessen, the prominent venture capitalist, and Gregory Becker, the CEO of Silicon Valley Bank, the person said.
- **Lawmakers Visit Puerto Rico as Earthquake Hits:** Puerto Rico was hit by a series of new earthquakes on Saturday including one which measured 6.0 on the Richter scale, according to the United States Geological Survey. There were no immediate reports of injuries and no tsunami warning was issued. The quake was the latest of a series of seismic events since the island was hit by a 6.4 magnitude tremor on Tuesday.
 - Members of the House and Senate traveled to the island on Friday to inspect damage caused by the recent earthquakes and meet with federal and local officials working to address the emergency.
 - Resident Commissioner Jenniffer Gonzalez-Colon (R-P.R.) said she and Sen. Rick Scott (R-Fla.) met with Gov. Wanda Vazquez, mayors, and agency officials to discuss accelerating help for the island. A particular source of concern is the Costa Sur Power Plant, which was severely damaged, she said.
 - Meanwhile, FEMA's acting administrator, Peter Gaynor, could get confirmed by the Senate to lead the agency full time as early as tomorrow, with a procedural vote on the nomination set for today. Gaynor's confirmation would come with FEMA under scrutiny for its handling of aid to Puerto Rico. Rep. Nydia Velazquez (D-N.Y.) said in an interview Friday she met with Pelosi last week to explore options to pressure Gaynor and FEMA to speed up efforts to help the island. Senate Minority Leader Chuck Schumer (D-N.Y.) last week sent a letter to Gaynor asking to "dramatically step up" FEMA's response to the quake given its "horrible recovery efforts" after Hurricanes Maria and Irma.
- **Border Wall Battle:** Opponents of President Donald Trump's border wall asked the entire New Orleans appellate court to speed up its review of their challenge over the construction funding.
 - Less than 24 hours after a three-judge panel lifted a lower-court's order preventing Trump from spending billions of military construction funds on building the wall, lawyers on Friday filed a request to expedite the review. "This is a case of national importance that, under the Fifth Circuit's clear precedents,

should be heard on an expedited basis," said Kristy Parker, a lawyer with the bipartisan Protect Democracy Project, which is helping several border groups fight the wall. The three-judge panel on Thursday temporarily lifted a freeze on the construction and rejected the wall opponents' request to speed up the process.

- Meanwhile, the Trump administration is still on track to complete or begin construction on 400 to 450 miles of border wall by the end of 2020, a key part of Trump's campaign promise, Department of Homeland Security acting Secretary Chad Wolf announced Friday at a press conference in Yuma, Ariz. As of the end of December, 98 miles of that wall total was replacement wall or secondary barriers. The wall is on track despite a month delay that ended with the federal appeals court ruling, Wolf said.

- **Employer Risk:** The Labor Department released a final rule to narrow the situations in which multiple businesses share liability for paying workers their wages, a key element of the Trump White House's effort to roll back the Obama administration's more expansive definition of "joint employment." The new rule, which takes effect March 16, satisfies one of the business lobby's top priorities. It limits the circumstances under which employers, such as a franchiser and its franchisees, can be considered to jointly employ a group of workers under federal wage-and-hour law, thereby making them responsible for paying minimum wages and overtime.

- **Mnuchin Says Boeing Woes Could Lop a Half-Point from GDP:** Troubles at aircraft maker Boeing could trim about half a point from U.S. GDP in 2020 but economic growth should still come in at about 2.5%, said Treasury Secretary Steven Mnuchin. Mnuchin discussed the growth outlook, plans to sign the first phase of a U.S.-China trade deal and new sanctions against Iran on Fox News Channel's "Sunday Morning Futures."
 - "The president's economic program is really coming together," Mnuchin said. His assessment was more upbeat than many economists, who expect slowing growth. They say the economy had received a boost from the 2017 Republican tax cuts and from increased government spending, but that stimulus is starting to fade.