

American Nephrology Nurses Association

Daily Capitol Hill Update – Friday, January 3, 2020

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- 5:00 PM: President Trump delivers remarks at an Evangelicals for Trump Coalition Launch in Miami

CONGRESS

- House holds pro forma session
- Senate convenes at noon; no votes scheduled
 - Majority Leader McConnell, Minority Leader Schumer will make remarks

Congressional, Health Policy, and Political News

- **Flavored Vaping Products Banned:** The Food and Drug Administration plans to restrict access to unauthorized flavored vaping products, a months-in-the-making step designed to address a nationwide surge in teenage vaping. The measures were unveiled yesterday after Trump said that new restrictions were imminent. More than 5 million middle and high-school students currently vape, according to U.S. survey data.
 - Under the new policy, companies that don't cease manufacture, distribution and sale of unauthorized flavored cartridge-based e-cigarettes other than tobacco or menthol within 30 days risk enforcement actions by the FDA.
 - Meanwhile, consumers are likely to be kept in the dark through much of the year on whether certain vape products now on store shelves will be banned from sale thanks to dangerous marketing tactics. Despite the new flavored e-cigarette ban, shops can still sell fruity flavors in liquid form that can be loaded into "open-tank" vape products.
 - British American Tobacco and others said they're preparing applications to reintroduce sales of flavored vapes after the administration imposed the new temporary restrictions on the products because such products could eventually be sold again if manufacturers can show they aren't targeting younger consumers.
- **FDA Probes Racial Medical Disparities:** The FDA wants to take a larger role in eliminating the inequities that lead to poorer health outcomes for minorities and other underserved groups. The FDA wants ideas for new strategic priorities that can be assumed by the Food and Drug Administration's Office of Minority Health and Health Equity, according to a notice published in the Federal Register yesterday.
- **Top Iranian Commander Killed in U.S. Airstrike on Trump Orders:** As a private citizen in 2011, Trump publicly accused President Barack Obama of planning war against Iran in order to secure his re-election because "he's weak and he's ineffective." But as president,

Trump has shown—first by his withdrawal of U.S. forces from Syria in September and now with the strike on Qassem Soleimani—that he will act in what he believes are the best interests of the country even in the face of potential consequences he and his advisers can in no way confidently predict.

- The killing of such a prominent member of Iran’s hierarchy was unexpected. It was praised by some in Washington, including Sen. Marco Rubio (R-Fla.), who said on Twitter: “#Iran’s Quds Force chose the path of escalation” and that “They are entirely to blame for bringing about the dangerous moment now before us.”
 - But Sen. Chris Murphy (D-Conn.) said on Twitter the assassination of Soleimani, “the second most powerful person in Iran,” may trigger a potentially “massive regional war.” Murphy added that the U.S. did not get congressional authorization for the attack.
 - House Speaker Nancy Pelosi (D-Calif.) affirmed “This action was taken without the consultation of the Congress,” according to a statement. “The full Congress must be immediately briefed on this serious situation and on the next steps under consideration by the administration, including the significant escalation of the deployment of additional troops to the region.”
 - Former Vice President Joe Biden warned that Trump “just tossed a stick of dynamite into a tinderbox” by ordering the Soleimani killing. Trump “owes the American people an explanation of the strategy and plan to keep safe our troops and embassy personnel, our people and our interests, both here at home and abroad, and our partners throughout the region and beyond,” he said in a statement.
 - Sen. Elizabeth Warren (D-Mass.) called the killing “reckless” and a move that “increases the likelihood of more deaths and new Middle East conflict.” Sen. Bernie Sanders (I-Vt.) said in a statement that the president “promised to end endless wars, but this action puts us on the path to another one.”
- **Court to Hear McGahn Testimony Appeal:** U.S. appeals courts will hear back-to-back arguments today over whether to enforce House Judiciary Committee demands for testimony from former White House Counsel Donald McGahn and for some of Special Counsel Robert Mueller’s secret grand jury materials. The Trump administration is seeking to overturn lower court rulings backing the committee. The Justice Department says McGahn is constitutionally immune to the Judiciary Committee subpoena because he is a former close adviser to the president.
 - The Judiciary panel says it’s continuing its investigation even after the House impeached Trump and as Speaker Pelosi spars with Senate Majority Leader Mitch McConnell (R-Ky.) over how to proceed with a trial. McGahn’s testimony and the Mueller materials are still of vital importance, the House committee contends.
 - “McGahn was a witness to several of the president’s past efforts to undermine investigations into foreign interference in elections,” said House General Counsel Douglas Letter’s brief for the Judiciary Committee. If McGahn produces new evidence, the committee may consider “whether to recommend new articles of impeachment,” Letter wrote.
 - **Schumer Cites Emails in Push for Trial Testimony:** Senate Minority Leader Chuck Schumer (D-N.Y.) yesterday dug in on his demands that the Senate’s impeachment trial of Trump include new documents and testimony after Trump administration emails showed officials questioned the legality of delaying aid to Ukraine. “The newly revealed unredacted

emails are a devastating blow to Senator McConnell's push to have a trial without the documents and witnesses we've requested," he said in a statement.

- McConnell is expected to speak on the chamber's floor today about the GOP standoff with Democrats. Schumer also plans to make remarks.
- **Sanders', Buttigieg's Big Hauls:** Huge fundraising hauls by some of the 2020 Democratic candidates point to a long road to the presidential nomination that could crush Joe Biden's hopes of securing an early victory. Sen. Bernie Sanders (I-Vt.) blew the competition away by reporting he'd raised \$34.5 million in the fourth quarter of 2019, built on 5 million individual donations. Mayor Pete Buttigieg pulled in over \$24.7 million, despite polling in single-digits nationally. Biden had his best quarter yet, but still raised less, with \$22.7 million, despite leading in polls. Sen. Elizabeth Warren (D-Mass.) hasn't yet reported her fourth-quarter numbers.
 - Trump's campaign said it has raised \$46 million in the last three months of 2019, saying it was his best fundraising quarter in the 2020 election cycle. Trump's campaign ended the year with \$102.7 million in cash on hand, it said. Trump raised \$143 million in 2019 and the campaign said it banked \$83.4 million. It began the year with \$19.3 million cash on hand. In recent months, the president's campaign has sought to leverage the impeachment investigation as part of its fundraising effort.
- **Trump to Rally Evangelicals:** Trump's first campaign event of the year is aimed at keeping white evangelicals on his side after a prominent Christian magazine called the president immoral and supported his impeachment. Trump will visit a Miami megachurch today to speak at an event his campaign says is intended to launch an "Evangelicals for Trump" coalition. The effort comes after Christianity Today, a magazine founded by evangelist Billy Graham, published an editorial on Dec. 19 calling for Trump's removal from office by either impeachment or his defeat at the polls.
- **Castro Exits 2020 Race:** Former Housing and Urban Development Secretary Julián Castro dropped out of the presidential race after lagging in fundraising and opinion surveys. "It's with profound gratitude to all our supporters that I suspend my campaign for president today," Castro said in a tweet. As the sole Latino candidate and former mayor of San Antonio, Castro focused a large part of his campaign on immigration reform and criticizing Trump's handling of the border crisis. His exit means the field has lost another minority candidate after Sen. Kamala Harris (D-Calif.) ended her bid.
- **Biden Gets First Iowa Congress Endorsement:** Joe Biden has secured the first endorsement from a member of Iowa's congressional delegation, gaining the support of Rep. Abby Finkenauer (D). The first-term congresswoman represents the state's 1st Congressional District, which voted for Trump in 2016 after backing Barack Obama in 2008 and 2012. The district covers northeastern Iowa, the area where Biden is concentrating his time during a five-day state trip that began yesterday. Finkenauer will join Biden for several of his Iowa stops, his campaign said.
- **Warren's Disability Benefits Plan:** Sen. Elizabeth Warren (D-Mass.) proposes to eliminate waiting periods to make it easier for disabled people to access benefits under Social Security Disability Insurance and Medicare. Current law imposes delays before obtaining the benefits of up to five months for Social Security and 12 months for Medicare. In a proposal

released yesterday, she says that she'd get rid of them. Warren's plan also calls for phasing out – rather than halting – Social Security disability benefits once the beneficiary returns to work, reducing them by \$1 for every \$2 earned above an inflation-indexed threshold of \$2,110.

- **Bloomberg to Skip Nevada:** The Nevada State Democratic Party says Michael Bloomberg will not appear on the preference cards for the state's caucuses on Feb. 22, in keeping with his plans to skip early nominating contests. The former New York mayor wasn't among 13 candidates, including Biden, Warren, Sanders and Buttigieg, who met a Jan. 1 deadline to appear on the preference card, the party said yesterday. Nevada's contest follows the Iowa caucuses on Feb. 3 and the New Hampshire primaries on Feb. 11.
- **Williamson Lays Off Entire 2020 Staff:** Author Marianne Williamson has laid off her entire presidential campaign staff, according to her campaign manager Patricia Ewing. Ewing, who was dismissed along with the rest of the team, said Williamson is "still figuring out what she's going to do" at this time. Williamson has lagged in the polls since she entered the race and is currently polling in last place at 0.2% in the Real Clear Politics average.
- **Hackable Wireless Voting Machines:** After Russian hackers made extensive efforts to infiltrate the American voting apparatus in 2016, some states like Colorado, California and Ohio moved to restrict internet access to their vote-counting systems. Michigan went in a different direction, authorizing as much as \$82 million for machines that rely on wireless modems to connect to the internet. State officials justified the move by saying it is the best way to satisfy an impatient public that craves instantaneous results.
 - The problem is, connecting election machines to the public internet, especially wirelessly, leaves the whole system vulnerable, according to cybersecurity experts. So Michigan's new secretary of state is considering using some of the state's \$10 million in federal election funds to rip out those modems before the March presidential primary.
- **Complaints Pile Up at Elections Agency:** The agency charged with enforcing campaign finance law begins the presidential election year paralyzed by the lack of a board quorum and unable to dispense with hundreds of complaints. As Caroline Hunter (R) assumes the rotating chairmanship of the Federal Election Commission, she will inherit a growing backlog of over 300 pending campaign finance complaints, nearly 70 of which may never be resolved because they are close to expiration of a five-year statute of limitations.
- **N.C. Voter ID Law Appeal:** North Carolina will appeal a federal court's block on implementing voter identification requirements but won't push for identification to be required in the upcoming primary elections. The state attorney general's office said it would ask the U.S. Court of Appeals for the Fourth Circuit to review the ruling, but wouldn't try to lift the injunction before the March 3 primaries to avoid confusion and problems with absentee voting beginning in 11 days.
- **F-35 Tops 2019 Contracting:** Pentagon contract spending including purchases of Lockheed Martin's F-35 joint strike fighter topped out at \$402.5 billion during 2019 and soared above other agencies in the federal government. The military contracts were worth far more than the \$191.3 billion contracted last year by the next 16 federal agencies combined. The

departments of Energy at \$28.3 billion and Veterans Affairs at \$27.5 billion were the next biggest contract spenders.

- **U.S. Warns Argentina on IMF Deal:** The U.S. is warning Argentine President Alberto Fernandez his early foreign policy moves may jeopardize both support from the International Monetary Fund and American investment in the nation's vast shale oil and gas fields. A senior administration official said that sheltering former Bolivian President Evo Morales and engaging with Nicolas Maduro's regime in Venezuela crossed a red line and could cost Argentina backing for new IMF funding and investment in the Vaca Muerta shale fields.
- **EU Trade Chief Eyes U.S. Trip:** The European Union's new trade chief plans to visit Washington on Jan. 14 to 16 in a bid to repair transatlantic relations frayed by U.S. measures against imports from the bloc and its attacks on the international commercial order. Phil Hogan will meet with U.S. Trade Representative Robert Lighthizer to discuss disputes including an American threat to hit \$2.4 billion of French goods with tariffs in retaliation over a digital-services tax in France.
- **Trump Aide Pushes Faster Permitting:** The Trump administration's upcoming plan to expedite environmental permitting won't increase pollution or harm endangered species, said Mary B. Neumayr, the president's top environmental adviser. The Council on Environmental Quality, on which Neumayr is its chair, is trying to change the rules under the National Environmental Policy Act so that projects can get reviewed faster.
- **Trademark Veteran Takes Acting Post:** A longtime administrator is serving as an acting trademark commissioner as the Patent and Trademark Office looks for a permanent replacement for Mary Boney Denison, an agency spokesman said. Maryl Hershkowitz has been deputy commissioner for trademark operations since 2015, overseeing how applications are examined and processed. She's worked at the trademark office since 1990.
- **Acting Public Lands Chief Gets Longer Stint:** William Perry Pendley, who long opposed federal land ownership, will keep his job as the acting Bureau of Land Management director at least until April 3. Interior Secretary David Bernhardt signed a secretarial order Jan. 2 delegating the authority of the BLM director to Pendley, whose official title is BLM deputy director of policy and programs. This is the third time Pendley has been given the authority of BLM's director.
- **Border Wall FOIA Suit Advances:** A suit attempting to force U.S. Customs and Border Protection to divulge information about a prototype procurement for a border wall to the Center for Investigative Reporting will advance, because the agency couldn't show the release of the information would subject contractors to competitive harm. The agency didn't demonstrate emails raising concerns about the procurement contain confidential financial information, Chief Judge Beryl A. Howell of the U.S. District Court for the District of Columbia said.