

American Nephrology Nurses Association

Daily Capitol Hill Update – Wednesday, January 8, 2020

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- President Trump has no public events scheduled; said last night he would make a statement today at unspecified time on Iranian attacks on U.S. assets in Iraq
- 6:10pm: Vice President Mike Pence participates in reception for Greek PM Kyriakos Mitsotakis

CONGRESS

- House meets at 10am; set to consider 8 bills including two relating to 5G and H.R. 535, a bill on toxic PFAS chemicals that the White House said Trump would veto
- Senate meets at 10am; resumes consideration of judicial nominees and Michael George DeSombre to be U.S. ambassador to Thailand
- Senators to receive briefing on Iran

Congressional, Health Policy, and Political News

- **Amgen Kidney Drug Ruling May Expand Patent Protection:** A Federal Circuit ruling giving Amgen another shot to prove Amneal Pharmaceuticals infringed its patent for the kidney disease drug Sensipar could make it harder for generic drug makers to escape patent lawsuits. The appeals court yesterday vacated a ruling by the U.S. District Court for the District of Delaware that Amneal didn't infringe claims in Amgen's patent. The U.S. Court of Appeals for the Federal Circuit sent the case back to the lower court for further proceedings.
 - The decision offers new precedent that expands the protection of patent claims limited by Markush groups, said Aziz Burgy, an intellectual property lawyer and partner at Axinn Veltrop & Harkrider. Markush groups list alternative elements that can be proprietary parts of an invention.
- **Health Care Coverage:** The House Energy and Commerce Health Subcommittee meets to discuss seven measures addressing health care coverage, including H.R. 3935, to continue requiring Medicaid coverage of nonemergency transportation to medically necessary services; H.R. 4801, to reauthorize the Healthy Start program; and H.R. 5534, to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients.

- **Biden, Warren Call for De-Escalating Tensions:** Former Vice President Joe Biden and Sen. Elizabeth Warren (D-Mass.), two Democratic presidential candidates, yesterday called for de-escalating tensions.
 - “We have to start on a very sober note,” Warren said at the beginning of a town hall in Brooklyn. “At this moment, my heart and my prayers are with our military and with their families in Iraq, and all around the world. But this is a reminder why we need to de-escalate tension in the Middle East.” She added that “the American people do not want a war with Iran,” a remark that was greeted by a standing ovation.
 - Biden said the heightening of hostilities was predictable after Trump’s decision to withdraw from the Iran nuclear accord and the attack on Soleimani in Baghdad. Speaking to about 75 supporters at a fundraiser in a Philadelphia suburb, Biden said that some of Trump’s recent actions had been “close to ludicrous,” including the president’s threat to bomb Iranian cultural sites.

- **Pelosi Pressed to Move on Trump Trial:** Speaker Nancy Pelosi (D-Calif.) is running out of leverage in her standoff over the impeachment trial of Trump, as Senate Majority Leader Mitch McConnell (R-Ky.) announced he has enough Republican votes to set rules without committing any new witnesses.
 - Pelosi’s gambit of delaying sending articles of impeachment to the Senate failed to win any concessions from McConnell on introducing new testimony or evidence at the trial as Republican senators lined up behind their leader. Despite that, Pelosi told lawmakers in a closed meeting yesterday that she isn’t ready to send the articles of impeachments to the Senate until she hears more details about how the trial will be conducted, according to a Democrat in the room. She publicly called on McConnell to release the resolution setting up the Senate trial, so “we can see the arena in which we will be participating.”
 - While some Democrats yesterday continued to support Pelosi’s strategy to hold back the articles to get a commitment from Senate Republicans on the trial rules, others suggested the battle was all but over. Senate Minority Leader Chuck Schumer (D-N.Y.) said Pelosi had “accomplished a great deal already,” and Rep. Peter Welch (D-Vt.), who sits on the Intelligence Committee, said the Senate would be getting the impeachment articles “sooner rather than later.”

- **White House Pushing Against House PFAS Bill:** The Trump administration is taking a hard line against new PFAS mandates ahead of a House floor vote on a comprehensive bill expected this week. The Environmental Protection Agency is already taking extensive efforts to help communities address the spread of per- and polyfluoroalkyl substances, also known as PFAS, the administration and the agency said in statements Jan. 7. And the administration “strongly opposes” the House bill, which would set up new requirements and deadlines for the EPA to regulate PFAS. “The regulatory process works best when EPA and other agencies are free to devise regulations based on the best available science and careful consideration of all the relevant facts,” the White House said yesterday in a statement.

- **House Hydrofluorocarbons Bill Released:** House Energy and Commerce Subcommittee on Environment and Climate Change Chairman Paul Tonko (D-N.Y.) yesterday introduced a bill to gradually phase down hydrofluorocarbons (HFCs) – highly potent greenhouse gases that are used in refrigerators and air conditioners, Dean Scott reports. The measure is a House companion to a bill introduced by Sen. John Kennedy (R-La.). Kennedy’s American Innovation and Manufacturing Act, which has the support of the U.S. Chamber of Commerce and National Association of Manufacturers, is backed by 15 Republican senators.

 - The Senate legislation would essentially implement the U.S. agreement to a 2016 deal reached in Kigali, Rwanda, under which nearly 200 nations agreed to cut 80% of HFCs by mid-century. Kennedy said he wants to pitch the bill to Trump, but won’t do so until the Senate gets past its impeachment trial. “Now is not the right time,” he said.
- **Senate Readies Vote on Trump’s Regulatory Pick:** The Senate could vote as early as tomorrow on the nomination of Paul Ray to serve as Trump’s next regulatory chief, despite objections from Democrats who want more information about the nominee’s record. McConnell yesterday filed a procedural motion to cut off the threat of a filibuster and proceed to a vote on the nomination, which is likely to be approved with Republican votes. Democrats on the Senate Homeland Security and Governmental Affairs Committee objected to the nomination because, they said, OMB’s general counsel had withheld documents and information about Ray’s role in several rulemakings during his time at OIRA.
- **Hunter to Resign Jan. 13:** Rep. Duncan Hunter (R-Calif.) announced in a letter to Pelosi that he will resign from Congress on Jan. 13. Read the letter here. Hunter in December pleaded guilty in federal court to one count of conspiracy. “I failed to account for and monitor my campaign funds,” Hunter told a throng of news media outside the courthouse Dec. 3. “I made a mistake and that’s what it’s all about.”
- **Bloomberg, Trump to Air Super Bowl Ads:** Two of the billionaires running for president will run dueling television ads during the Feb. 2 Super Bowl. Michael Bloomberg’s campaign confirmed that it would air a 60-second Super Bowl ad, first reported by The New York Times, and said it’s part of a national campaign focused on Trump. Trump’s campaign spent \$10 million last week for a minute of commercial time during the Super Bowl, according to a person familiar with the campaign.
- **Leonard Leo to Keep Judicial Advocacy Focus:** A multi-million-dollar campaign touting Trump’s judicial appointments ahead of the 2020 election cycle will be among the first projects for a new conservative advisory group headed by the Federalist Society’s Leonard Leo. The issue campaign will be an at-minimum \$10 million effort in which the new group, CRC Advisors, will work with conservative organizations to promote the message through media and voter education efforts, an individual

associated with the new venture said. Leo confirmed the campaign in a news report announcing the venture yesterday.

- **Collins Asks for No Jail for Insider Trading:** Former Rep. Chris Collins (R-N.Y.) asked to be spared jail for insider trading, citing his advanced age, charitable work and repentance for tipping his son off to an Australian biotechnology company's trial results. "As Chris acknowledges, he has paid a heavy price for his crimes," his lawyers said yesterday in a sentencing brief. "He is, and will forever be, tortured with the knowledge that his actions have caused his son, to whom he always aspired to be a role model, to live with the stain of a felony conviction, and perhaps serve time in prison."
- **Trump Signs Emergency Declaration for Puerto Rico:** Trump approved an emergency declaration for Puerto Rico yesterday, according to a person familiar with the matter, after a deadly earthquake struck the commonwealth that was already struggling to recover from other natural disasters. The aid allows the U.S. government to provide immediate assistance, including restoring lost power, the person said last night.
 - Sens. Marco Rubio and Rick Scott, both Florida Republicans, along with Jennifer Gonzalez, Puerto Rico's non-voting representative in Congress, urged Trump in a letter earlier Tuesday to approve the commonwealth's request for disaster aid.
- **Blackstone-KKR Ad Blitz Unleashes Washington Fury:** Confronted with the rare prospect of defeat on Capitol Hill, private equity titans Blackstone Group and KKR unleashed a national advertising blitz last year against legislation that threatened their investments in health-care companies valued at \$16 billion. The \$53.8 million campaign sought to derail a crackdown on surprise medical billing, in which patients are unexpectedly hit with exorbitant charges, often following visits to emergency rooms. Television ads depicted patients in trauma being denied care and urged viewers to contact lawmakers, dozens of whom were identified by name.
 - The onslaught ended up generating a bi-partisan backlash, and a rebuke from Trump's White House, in large part because Blackstone and KKR didn't reveal that medical-staffing companies they owned were bankrolling the effort.
- **Carlyle Partner Tapped to Run Lobby Group:** The hedge fund industry's main trade association has hired a Carlyle Group partner to be its new president, as the investment firms look to bolster their lobbying presence ahead of what promises to be a turbulent political year. Bryan Corbett will join the Managed Funds Association on Jan. 21, the Washington-based group said today. A Republican who worked at the White House and Treasury Department during the George W. Bush administration, Corbett handled legislative affairs at Carlyle for five years before being promoted to a job involving the private-equity firm's investments.
- **Trump's Trade Deficit Victory Has Plenty of Caveats:** New data shows Trump may be poised to deliver on one of his biggest economic promises: Reducing the annual U.S. trade deficit with China and the world. Scratch the surface, though, and that

accomplishment comes with plenty of caveats attached and even what some economists see as worrying signs for the U.S. economy.

- **Apple Privacy Exec Defends Encryption After FBI Request:** Apple's top privacy executive defended the company's use of encryption after recent clashes with law enforcement and politicians over access to information locked on iPhones. iPhones are prone to be lost or stolen, so Apple needs to make sure the devices are encrypted to protect data such as health and payment information, Senior Director of Global Privacy Jane Horvath said during yesterday's panel discussion at the CES tech show in Las Vegas.
- **GAO Flags Airlines Over Bathrooms:** Air carriers are largely choosing to forgo buying wheelchair-accessible bathrooms for single-aisle jetliners, even though top manufacturers Boeing and Airbus offer them, according to a Government Accountability Office report released yesterday. Carriers told GAO staff there are financial tradeoffs to providing accessible bathrooms on single-aisle planes, according to the report. Both plane manufacturers offer accessible bathroom designs that take up space normally used for food and drink carts, according to the report.