

American Nephrology Nurses Association

Daily Capitol Hill Update - Tuesday, October 1, 2019

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- 2:00 PM - President Trump receives his intelligence briefing
- 4:00 PM - President Trump meets with the Secretary of Defense in the Oval Office

CONGRESS

- House, Senate in first week of a two-week recess; both have pro forma sessions today

Congressional, Health Policy, and Political News

- **House Progressives Seek to Revise Pelosi Drug Pricing Bill:** Rep. Lloyd Doggett (D-TX-35) drafted a letter recommending “necessary improvements” to Speaker Nancy Pelosi’s Drug Pricing legislation. Rep. Doggett and other progressive Democrats are concerned Pelosi’s bill allows the Secretary of Health and Human services to negotiate for the prices of too few drugs, and will not be impactful enough. He expresses further concern regarding the fact that drugs are only eligible for negotiation if they do not have any generic drugs competing with them.
- **Title X Funds Reshuffled:** Fifty groups and state health departments will be getting an extra \$33.6 million in family planning funding because 18 grantees chose to leave the program, the Department of Health and Human Services announced yesterday. The local Planned Parenthood facilities and state health departments left the program because they did not want to comply with the Trump administration’s changes that prevent doctors from referring patients for abortions by tying the requirement to funds from the Title X family planning program. Planned Parenthood was the largest Title X provider, covering 40% of the program’s mainly low-income patients.
- **Conflicts in NIH Foundation Probed:** “Widespread concerns” about conflicts in the CDC and NIH’s partnerships with the private sector prompted the head of House oversight panel to call for a new investigation. “Over the last several years, HHS and its subordinate agencies have been the subject of numerous reports detailing conflicts of interest and apparent breaches of public trust,” three House Democrats said in the letter obtained by Bloomberg Law yesterday. “The incidents call into question whether proper safeguards are in place to prevent ethical breaches and the appearance of impropriety.”
 - The letter calls for the Office of Inspector General in the Department of HHS to investigate existing ethics rules within the department to determine whether these apparent lapses were because of a systemic failure of policies themselves or

the result of people failing to comply with existing policies. Lawmakers also want the inspector general to assess whether the HHS ethics and conflict-of-interest policies need to be updated.

- **New York Law Requiring Donor Disclosure Nullified:** A New York state law that required some nonprofits to publicly disclose their donors was found invalid by a federal judge after a government-watchdog group sued to block the measure. The law, passed in June 2016 as part of a package of state ethics reforms, required nonprofits that engage in lobbying to disclose financial support from organizations that are forbidden from taking part in political activity. Citizens Union, which says it advocates for good government sued to block the law, saying it infringes on First Amendment rights.
- **Giuliani, Pompeo, Barr Drawn Into Focus:** Trump's personal lawyer, Rudy Giuliani, his Secretary of State Michael Pompeo and Attorney General William Barr were all drawn deeper into the House impeachment inquiry after new details of the administration's foreign contacts emerged yesterday.
 - Three House committees said they had subpoenaed Giuliani for records of his dealings with Ukraine on Trump's behalf. And Pompeo was among those listening in on the July 25 phone call, according to a person familiar with the matter. Barr has asked Trump to contact "other countries" for help with a probe into the origins of the Justice Department's investigation of Russian interference in the 2016 election, department spokeswoman Kerri Kupec said in an email. The prosecutor leading the investigation, U.S. Attorney John Durham, "is gathering information from numerous sources, including a number of foreign countries," she said.
 - The New York Times reported that Trump recently asked Australian Prime Minister Scott Morrison to assist Barr in his probe, and the Washington Post reported that Barr has held meetings overseas with foreign intelligence officials to seek their help.
 - The rapid-fire developments expanded the potential scope of the House's inquiry, which began last week after revelations of Trump's call with Zelensky.
- **Mueller Grand Jury Info Demanded:** House Democrats defended their lawsuit seeking to force the release of grand jury materials referenced in former Special Counsel Robert Mueller's report on Russian election meddling, claiming that it's needed for possible impeachment proceedings against Trump. The Department of Justice is wrongly arguing in the case that a hypothetical Senate impeachment hearing doesn't qualify as a "judicial proceeding" that would allow for the grand jury information to be released, the House Judiciary Committee said in a filing. Committee lawyers contended that the department's position is unprecedented, saying the executive branch has never before objected to the disclosure of such grand jury material to the House for an impeachment inquiry.
- **Trump's Tax Returns:** Trump's lawyers claim Democrats pursuing the president's tax returns should use the political process rather than the courts. Attorneys representing

the administration and Trump in his personal capacity said in a filing yesterday that Democrats on the House Ways and Means Committee don't have the right to sue the White House to enforce a subpoena for his tax returns. Their filing follows a motion from earlier this month asking U.S. District Judge Trevor McFadden to dismiss the case.

- **Forcing Lawmakers to Weekend in Washington:** To help increase the House's efficiency and civility, the House Modernization Committee is weighing tweaking the chamber's calendar to keep lawmakers in town over some weekends with the hope of fostering more bipartisan relationships. It's an old-fashioned idea that stands in contrast to other panel recommendations that have focused on yanking Capitol Hill more fully into the internet era.
 - Chairman Derek Kilmer (D-Wash.) said the panel was debating how long Congress should be in town and how to make sure members didn't have overlapping hearings. "If we all spent more time together, and our children spent more time together, I think you would see less yelling and rock throwing at one another," Kilmer said.
- **More House Tech Scrutiny:** Big tech firms are about to face yet another congressional headache. House Small Business Committee Chairwoman Nydia Velazquez (D-N.Y.) plans to invite Amazon, Google and Facebook to face questions from her committee on how the companies may be damaging the competitive landscape for small businesses. The hearing, which the committee hopes to hold in late October or early November, would be the latest front in the government's probe of the companies that already face investigations from the House Antitrust Subcommittee, the Federal Trade Commission and the Justice Department.
- **Foreign Money Transfers Targeted in CFPB Letter:** House Financial Services Committee Republican are calling on the Consumer Financial Protection Bureau to renew an expiring safe harbor for foreign money transfers. The bureau has been considering if it'll extend an exemption that lets banks estimate third-party costs for consumers to send money abroad.
- **Corporate Foreign Tax Disclosure Sought:** A mostly Democratic group of senators asked an accounting standards board to require corporations to publicly disclose the income they earn and the taxes they pay overseas. The lawmakers, including Elizabeth Warren (D-Mass.) and Bernie Sanders (I-Vt.), requested the Financial Accounting Standards Board update a proposal so companies have to report income, taxes and staff numbers in each country where they operate.
- **Trump's Ukraine Moves Highlight Foreign Policy Disarray:** Trump's criticism of his Ukraine envoy, deployment of Giuliani to dig up dirt on a rival and a move to suspend crucial military aid left U.S. diplomats normally in charge of carrying out American foreign policy forced to contain the damage left in the president's wake. It's a situation to which they are accustomed.

- Whether it's Afghanistan, Iran, Turkey or other hot spots, American diplomats say "contain the damage" -- a quote from the whistleblower's letter to Congress released last week -- has become their job description after two and a half years serving Trump. Their goal isn't to head off his policies, but to keep him from sabotaging the very plans he's put into motion. Trump, who came to office skeptical of foreign policy professionals but was willing to consider their counsel, is sufficiently confident in his abilities to dispense with them altogether.
- **U.S. and Canada Discuss Supply of Rare Earths:** Trump and Canada Prime Minister Justin Trudeau have discussed the need to ensure reliable supplies of rare earths and critical minerals, a market currently dominated by China. The two leaders spoke about the issue during their last meeting, Trudeau said in a press conference yesterday, confirming a report by The Globe and Mail. A joint action plan being drafted by senior officials in the two countries will be presented to the political party that forms the next government after the Oct. 21 election, the newspaper reported, citing a federal briefing document it had obtained.
- **Buttigieg Pitches Himself to Moderates:** Pete Buttigieg is pitching himself as an alternative to moderate Democrats who might not be sold on Joe Biden. On a recent bus tour of Iowa, Buttigieg framed his argument, emphasizing the need to "re-center our politics" and recapture the notion of freedom and faith from conservatives who he says use those terms to "club people over the head."
 - That message could find a new audience as Biden, the leading moderate, is tangled in the impeachment inquiry of Trump. So the 37-year-old mayor of South Bend, Indiana, is positioning himself to be the standard-bearer for moderate Democrats if the front-runner fades.
- **Nominations:** Trump announced his intent to nominate James Danly to be a member of Federal Energy Regulatory Commission, for the remainder of a five-year term expiring June 2023, the White House said in a statement. Danly is currently general counsel of FERC, the White House said.
 - Trump will nominate Kate MacGregor to be deputy secretary of the Interior Department. She is currently deputy chief of staff for the agency.
 - The White House also announced in a statement that Trump intends to nominate William Ellison Grayson, Donald Wright, and John Hennessey-Niland to be U.S. ambassadors to Estonia, Tanzania and Palau, respectively. Grayson is the national director of the family offices of Bernstein Private Wealth Management in San Francisco, according to the statement. Wright is currently deputy assistant secretary for health and the director of the office of disease prevention at the Health and Human Services Department, the statement said. Hennessey-Niland currently serves as political counselor at the U.S. embassy in Canberra, the statement said.
- **Pendley Extended as Acting Land Chief:** William Perry Pendley, a Colorado-based natural resources attorney known for his past calls to sell public land, will continue as

acting director of the Bureau of Land Management, the Department of the Interior announced. Interior Secretary David Bernhardt said yesterday the delegation of BLM director duties to Pendley is meant to ensure uninterrupted management and decision-making until a Senate-confirmed nominee is in place. Pendley's assignment will continue until Jan. 3, 2020, unless extended again, he said.

- **Legal Arguments for Transgender Care Reshaping:** One of the strongest legal arguments for government coverage of transgender surgery could be demolished if a White House rule changing the definition of sex discrimination goes into effect. The Affordable Care Act explicitly states that the 1964 Civil Rights Act's discrimination protections extend to transgender people. A pending Trump rule would roll back that interpretation, saying gender identity isn't covered under the sex discrimination provision of the law. The administration cited a 2016 district court decision, *Franciscan Alliance v. Burwell*, that limited the definition of "sex" to biological and anatomical differences as determined at birth.
- **California Sues Over Immigration, Grants:** California accused the U.S. Justice Department of breaking the law by making as much as \$327.7 million in grants to law enforcement and to help victims of crime contingent on assurances that recipients don't employ undocumented workers. The state said that the Trump administration is illegally using federal grant programs to coerce California to comply with federal immigration-enforcement demands.
- **Opioid Web Sales Spur FDA-DEA Warning:** A novel FDA and DEA partnership targets four businesses that officials say are illegally marketing unapproved and potentially dangerous opioids, according to joint warnings published yesterday. The drugs being sold include unapproved versions of the opioid tramadol. Some versions of tramadol have been approved by the FDA, but those offered by the online marketers have not, the letters said. The products' packaging also doesn't have the necessary "black box warning" approved tramadol is required to have. That warning cites "life threatening side-effects" like addiction, abuse, misuse, breathing problems, withdrawal symptoms for newborns, and coma or death if mixed with certain drugs or alcohol.