

American Nephrology Nurses Association

Daily Capitol Hill Update – Monday, October 28, 2019

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- 8a: Trump departs White House, en route to Chicago
- 11:25a: Trump delivers remarks and signs executive order at the International Association of Chiefs of Police in Chicago; the city's police superintendent is planning to skip the event
- 1:10pm: Trump participates in roundtable with supporters
- 1:45pm: Trump delivers remarks at fundraiser
- 5:30pm: Trump arrives back at White House
- Vice President Mike Pence delivers remarks at a Baton Rouge reception honoring Eddie Rispone for Governor of Louisiana

CONGRESS

- House meets at noon; votes postponed until 6:30pm
 - The chamber this week will take up bill to impose sanctions on Turkey as well as legislation to condemn Armenian atrocities as "genocide," House Foreign Affairs Committee Chairman Eliot Engel has said
- Senate meets at 3pm, will resume consideration of four-bill spending package H.R. 3055
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Congressional, Health Policy, and Political News

- **Happening on the Hill:** House lawmakers today will consider –
 - **Elderly Assistance:** Caregiving, nutrition, and other programs to support older Americans would be reauthorized through fiscal 2024 under a modified version of H.R. 4334.
 - **Health Workforce:** Programs to train and educate health-care professionals, including those from disadvantaged backgrounds, would be reauthorized through fiscal 2024 under H.R. 2781. In total, the measure would authorize \$1.82 billion over five years for HHS grants and contracts.
 - **Nursing Programs:** Nursing workforce and education programs would be reauthorized through fiscal 2024 under H.R. 728. The measure would authorize \$259.5 million a year for five years for programs administered by the HHS to recruit and retain nurses.
 - **Palliative Care:** Education and training programs for palliative and hospice care would be authorized under H.R. 647. The measure would authorize \$20 million a

year from fiscal 2020 through 2024 for several education and training programs, including \$5 million dedicated to a program for nurses.

- **Drug Discount Disclosures:** The HHS would have to publish information online about discounts negotiated by health insurance plans' drug managers under a modified version of H.R. 2115., which would also establish new Medicare electronic prescribing requirements.
 - **Drug Price Data:** Two independent commissions that advise Congress would gain access to drug pricing information under H.R. 1781. The bill would grant the Medicare Payment Advisory Commission and the Medicaid and CHIP Payment and Access Commission access to drug payment and rebate data under Medicare and Medicaid.
- **Hearings:**
 - **HELP Markup:** The Senate Health, Education, Labor and Pensions Committee plans to mark up eight bills related to health care Thursday including: S. 1657, to provide assistance to combat the Lyme disease and other tick-borne illnesses; S. 1399, to extend nursing workforce development programs; and S. 1130, to improve child health and better understand and enhance awareness about unexpected sudden death.
 - **Medicaid:** The Senate Finance Health Care Subcommittee plans a hearing Wednesday on compliance with Medicaid eligibility requirements. Witnesses from the Health and Human Services Department Office of Inspector General, Government Accountability Office and others will testify.
 - **Immigrant Deportation:** The House Oversight and Reform Civil Rights and Civil Liberties Subcommittee holds a hearing Wednesday on the Trump administration's immigrant health and deportation policy.
 - **Legislation & Letters:**
 - President Donald Trump on Friday said that the late Rep. Elijah Cummings (D-Md.) had a passion for lowering prescription drug prices and that "we are going to get it done." Drug prices are coming down and if the Democrats are supportive, they will go lower, Trump said in Columbia, S.C., at Benedict College, a historically black school. "I want to give my warmest respects," Trump said of Cummings, who died on Oct. 17.
 - **Industry and Regulation:**
 - **Patient Data Sharing Rule:** New rules giving patients free access to their health information and preventing providers and health tech vendors from improperly exchanging or withholding the data are likely coming this year despite outcry from the health industry. Representatives from hospitals, health technology groups, and insurers have urged Congress and HHS to halt the upcoming final rule. They argue the proposed version is full of confusing definitions and exemptions, data privacy and security concerns, and pricey penalty and compliance fees.
 - **Liver Allocation Policy Challenged:** Patients and organ transplant centers suing the government over a new liver allocation policy want the Eleventh Circuit to

take another look at their case. A three judge panel of the appeals court got it wrong when it concluded that the HHS didn't have to follow notice-and-comment and advisory committee referral procedures before announcing the new policy, the groups said in a petition asking the full court to rehear the case.

- **Maloney Makes Run for Top Impeachment Panel Spot:** The New York City lawmaker whose district includes much of Manhattan and Trump Tower has the inside track to take over a key congressional watchdog committee with a leading role in the impeachment inquiry against Trump, according to multiple House Democratic officials. Rep. Carolyn Maloney (D-N.Y.) has already taken over the Oversight and Reform Committee on an acting basis, following the Oct. 17 death of Rep. Elijah Cummings (D-Md.), the former chairman.
 - Maloney's seniority on the committee gives her an advantage over other Democrats eyeing the top job on the panel involved in the impeachment process and other investigations of Trump's administration and associates. Since the inquiry was sparked by a whistle-blower complaint from the intelligence community, the most visible leader of the impeachment process is still expected to be Intelligence Chairman Adam Schiff (D-Calif.). This would give Maloney an important but mostly behind-the-scenes role in hearings to gather evidence on Trump's actions regarding Ukraine, which could be the basis for articles of impeachment.
 - "I think it's been decided," said Rep. Lacy Clay (D-Mo.), an Oversight Committee member, who has also been suggested as a candidate. But Clay said he will not make a bid and understands that Maloney has it sewn up.
- **Official Says He Wanted Pompeo to Back Envoy:** The State Department's top diplomat for Europe told impeachment investigators Saturday he was disappointed Secretary of State Michael Pompeo didn't back the U.S. ambassador to Ukraine when she was targeted in a smear campaign by Trump and his associates, a person familiar with his testimony said. Speaking for more than eight hours Saturday, Philip Reeker, the acting assistant secretary for Europe, said he pushed department leadership to make a statement of support for Marie Yovanovitch to counter the push to get her recalled, led by Trump's personal lawyer Rudy Giuliani. Giuliani had worked for months to have Yovanovitch removed, believing she was opposed to the president. She was recalled in May 2019.
- **McGahn Testimony Talks Ongoing:** The Trump administration took issue with the House Judiciary Committee's assertion that negotiations over the testimony of former White House Counsel Don McGahn are at an impasse. In a filing Friday in Washington federal court, Justice Department lawyers said there have been five discussions since Oct. 8 about possible terms and conditions of McGahn's testimony and there was no need for a judge to get involved.
- **Buttigieg Addresses Black Church:** Pete Buttigieg went straight to the heart of Joe Biden's support in South Carolina yesterday, bringing a message of healing and unity to a black church. The 37-year-old mayor of South Bend, Indiana, dressed in a crisp blue suit, joined parishioners in prayer at an African Methodist Episcopal Zion Church

worship in Rock Hill, before introducing himself and highlighting his plan for black Americans.

- This constituency is crucial, since African-Americans make up 60% of the Democratic electorate in the state that holds the fourth nominating contest. It's also the first test of black support after primaries and caucuses in predominantly white Iowa and New Hampshire and Latino-heavy Nevada.
- **Rep. Hill Says She'll Quit Congress in Sex Scandal:** Rep. Katie Hill (D-Calif.), who's apologized for an "inappropriate" sexual relationship with a female campaign staffer, announced her resignation from Congress, saying in a statement she was departing with a "broken heart." The conservative blog RedState and some news websites, including the Daily Mail, had posted explicit photos of Hill online that were released without her consent. Some of the photos showed Hill with the campaign staff member.
 - Her departure will open up a swing district in the House that Democrats will have to defend. Republicans had held her Southern California seat -- which includes part of Los Angeles County and part of eastern Ventura County -- for 15 years before she won it in 2018, ousting Republican Steve Knight.
- **Conyers, 26-Term Congressman Hit by Scandal, Dies:** John Conyers Jr., a Democrat who was serving his 26th term in the House when he resigned from Congress after allegations that he sexually harassed employees, has died at age 90. Conyers' death at his home in Detroit yesterday was confirmed by a family spokeswoman, the Washington Post reported. No cause of death of given.
 - The representative from Michigan's 13th district entered the House in 1965. During his tenure, he introduced legislation on civil liberties, voting rights and violence against women while advancing the causes of black Americans by co-founding the Congressional Black Caucus in 1969.
- **Strike on Al-Baghdadi Built on Surveillance:** Islamic State leader Abu Bakr al-Baghdadi was under surveillance for weeks and evaded "two or three" American strikes before blowing himself up as U.S. special forces stormed his northern Syrian hideout. As described in unusual detail by Trump yesterday, the final moves to eliminate a man he described as the world's most-wanted terrorist took shape while the president was at the Camp David presidential retreat Saturday morning, and ended with him and top officials following the raid via live video at the White House.
- **Pompeo Calls for Second Round in Bolivian Election:** Pompeo yesterday cited "irregularities" in an Oct. 20 election that would give Bolivian President Evo Morales a fourth term and urged authorities to hold a second round of voting between the incumbent and the main opposition candidate. "We are deeply concerned over irregularities in the vote-counting process of #Bolivia's Oct 20 elections," Pompeo said on Twitter. "We call on #Bolivia to restore electoral integrity by proceeding to a 2nd round of free, fair, transparent, & credible elections with the top two vote winners."
- **Trump Denies Kelly's Warning on Hiring 'Yes Man':** Trump denied John Kelly's assertion that he had warned the president he would be impeached if he replaced the former White House chief of staff with a "yes man." Kelly, a retired Marine Corps general who was chief of staff from July 2017 to January 2019, said at an event sponsored

by the Washington Examiner that he told the president he needed someone to keep him within the bounds of his authority to avoid impeachment.

- “John Kelly never said that, he never said anything like that,” Trump said in a statement. “If he would have said that I would have thrown him out of the office. He just wants to come back into the action like everybody else does.”

- **Microsoft Pentagon Win Changes Cloud Game:** Microsoft scored a major victory in securing a milestone, \$10 billion Pentagon contract for cloud computing services. But the contract -- unthinkable for Microsoft even a year ago -- will likely come at a cost, legal and internal. Amazon, the market leader in cloud services, is considering a challenge to the award of the contract to Microsoft's much smaller Azure business, citing Trump's interference in the bidding process, according to a person familiar with the matter. Amazon had been widely considered the front-runner because of its superior size and previous cloud contract with the Central Intelligence Agency.
- **Supreme Court Review Could Undercut CFPB Enforcement:** The Consumer Financial Protection Bureau could lose leverage in enforcement negotiations as the Supreme Court considers whether its leadership structure is unconstitutional. The CFPB has said it will be business as usual as the U.S. Supreme Court considers a challenge to the independent agency's single-director, whom the president can only fire for cause, rather than at will.
 - But federal judges have already put stays on the bureau's enforcement litigation or closed cases altogether pending a Supreme Court decision in *Seila Law v. Consumer Financial Protection Bureau* — which hasn't been scheduled for oral arguments yet. That delay could give companies a leg up when negotiating the terms of CFPB civil investigative demands or even proposed settlements for alleged consumer law violations, regardless of how the Supreme Court eventually rules.
- **Interior Issues FOIA Rule:** The Interior Department has issued a new regulation to streamline public records requests under the Freedom of Information Act as it struggles with a spike in submissions. The rule makes several changes to the December 2018 proposed rule, which transparency advocates feared would make it more difficult to request documents and data from Interior under the act, commonly known as FOIA.
- **Border Patrol Buys 33 Million Bullets:** The parent agency of the U.S. Border Patrol has purchased 33 million rounds of ammunition for its new handgun, and may buy more than 300 million additional rounds over the next five years. Customs and Border Protection agreed to pay \$9.89 million for Winchester Ammunition Inc.'s special 9mm hollow point Luger rounds through a near-term contract made public Oct. 24. The bullets are needed by the CBP as it transitions to Glock Inc.'s new 9mm handgun. Another five-year contract for ammunition is expected to be awarded late next year, with its value estimated at between \$80 million and \$100 million.