

American Nephrology Nurses Association

Daily Capitol Hill Update – Tuesday, November 19, 2019

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- 11:30am: President Trump participates in cabinet meeting
- 12:45pm: Trump has lunch with Vice President Mike Pence

CONGRESS

- House meets at 10am; to vote on stopgap spending measure
- Senate meets at 10am; resumes consideration of judicial nominees
 - Senate to recess from 12:30pm to 2:15pm for weekly caucus meetings
 - Chamber could also vote on measure to support protests in Hong Kong
- 9am: Testifying at impeachment hearings are Jennifer Williams of Vice President Mike Pence's office, National Security Council official Alexander Vindman, former special envoy to Ukraine Kurt Volker, and NSC official Timothy Morrison

Congressional, Health Policy, and Political News

- **Experimental Drug Requests Rising Fast:** Seven requests to take experimental drugs under “right-to-try” laws are before a large commercial ethics board for review, indicating more patients may be using the controversial pathway than originally thought. There have been only two known requests to use right-to-try on a federal level since it went into effect last year. But 41 states, like California, have passed their own laws. The Golden State requires that ethics panels known as institutional review boards review the requests.
- **Sondland Poised for Bipartisan Beating:** Gordon Sondland, the U.S. diplomat at the center of the impeachment inquiry against Trump, once described himself as the “point man for Europe” who was also assigned by the president to oversee relations with Ukraine. Witnesses have given House panels less flattering descriptions of the wealthy developer-turned-envoy: “Comical,” “clueless” and a “free radical” who exaggerated his ties to Trump and posed a “counterintelligence risk” by ignoring pleas that he stop handing out the personal phone numbers of top security aides.
 - Sondland, the ambassador to the European Union, is likely to take fire from all sides when he testifies publicly for the first time tomorrow. A crucial question will be whether he had the Oval Office access he claimed or exaggerated his influence over decisions on Ukraine.
 - Meanwhile, an aide at the U.S. Embassy in Ukraine told congressional investigators that he “had never seen anything like” the mobile phone conversation between Trump and Sondland. Sondland had called Trump from

an open air restaurant in Kyiv in July. The embassy aide, David Holmes, said he overheard the conversation and that the two men seemed to refer to Trump's wish that Ukraine open an investigation of Biden.

- "I've never seen anything like this, someone calling the president from a mobile phone at a restaurant, and then having a conversation of this level of candor, colorful language," Holmes said in a transcript of his closed-door testimony to the House impeachment inquiry. "There's just so much about the call that was so remarkable that I remember it vividly."
 - Transcripts of the testimony by Holmes and Undersecretary of State for Political Affairs David Hale were released last night.
- **Government Funding:** The House will take a step today toward averting a government shutdown at the end of the week with a vote on a four-week stopgap spending measure unveiled yesterday. Funding for federal agencies would be extended through Dec. 20 under the legislation.
 - The measure has garnered opposition, but not necessarily enough to diminish its chances of landing on the president's desk by the time government funding runs out at midnight on Thursday.
- **Trump Poised to Flip 11th Circuit:** Trump is on the cusp of flipping the U.S. Court of Appeals for the 11th Circuit to a majority of Republican-appointed judges, the third such changeover during his administration. The Senate is closing in on the expected confirmations of Barbara Lagoa and Robert Luck in the coming days to the Atlanta-based court that is central to several cases involving significant election law disputes.
 - Trump has turned over two other circuit courts with conservative appointments. The Pennsylvania-based 3rd Circuit flipped in March, followed by the New York-based 2nd last week with the confirmation of White House lawyer Steven Menashi.
- **Recovering Money From Fraudsters:** The SEC would have more time to recoup money from Ponzi schemers and other scammers who bilk investors under bipartisan legislation the House passed yesterday. The House voted 314-95 to pass the Investor Protection and Capital Markets Fairness Act. The measure from Reps. Ben McAdams (D-Utah) and Bill Huizenga (R-Mich.) would overturn the Supreme Court's 2017 *Kokesh v. SEC* decision limiting the Securities and Exchange Commission's disgorgement power.
- **Democrats Want Criminal Penalties in Privacy Law:** A group of top Senate Democrats said yesterday that any federal privacy legislation should include the possibility that violators will face criminal penalties or consumer lawsuits. Senate Minority Leader Chuck Schumer (D-N.Y.) and top Democrats on relevant committees issued a set of privacy principles -- rather than legislative text -- that reiterated proposals that Republicans have rejected. "I applaud my colleagues for their great work and am proud to support these strong principles," Schumer said in a statement.

- Lawmakers on both sides of the aisle have been calling for laws to tackle data use, but the pushes have produced little consensus in Congress. What began earlier this year as an effort to write a law by a bipartisan group of legislators on the Senate Commerce Committee collapsed in June.
- **Veterans' Aid to For-Profit Colleges:** Senate Health, Education, Labor, and Pensions Chairman Lamar Alexander (R-Tenn.) threw his support behind a bipartisan Senate bill that would restrict how much revenue for-profit colleges can earn by enrolling student veterans. For-profit colleges are limited to generating no more than 90% of revenue from federal student aid; the exception is veterans benefits, which have no such cap. Veteran service organizations have long called for closing what they call the 90/10 loophole.
- **FEMA Chief Nominee Advances:** The Senate Homeland Security Committee yesterday approved the nomination of Peter Gaynor to head the Federal Emergency Management Agency amid concerns about the growing list of leadership vacancies at the Department of Homeland Security. Gaynor advanced the panel by a unanimous voice vote. Chairman Ron Johnson (R-Wis.) said he is pushing for the nomination to win Senate confirmation by unanimous consent before Thanksgiving.
 - On a separate nomination, a top Justice Department official said yesterday the American Bar Association's unqualified rating of Trump's federal appellate nominee, Lawrence VanDyke, "undermines" the group's important work in all areas of the law. The ABA's judicial ratings report on VanDyke "paints a disturbing picture of the abuse that all of us lawyers should take seriously and try to work to remedy," Makan Delrahim, the head of the DOJ's antitrust division, said at an ABA antitrust conference in Washington.
- **Georgia Highlights Voter-Rights Feuds:** Democrats are working to put the diverse state of Georgia in play for the first presidential election in decades, but it remains a long shot where the party will have to fight with Republicans over access to ballots and other voting rights issues. Highlighting its new competitiveness, 10 candidates seeking the Democratic nomination will debate in Atlanta on Wednesday at Tyler Perry Studios. The selection of the site is a nod to both the state's civil rights history — the studios were built where a Confederate Army post once stood — and its growing stature as the "Hollywood of the South."
- **\$7 Million Anti-Impeachment Ad Buy:** A nonprofit group allied with House Republican leaders is pouring \$7 million into television and digital ads opposing impeachment of Trump. The \$5 million in TV ads sponsored by American Action Network began airing yesterday. They target 18 swing districts held by Democrats, as well as two Republican-held districts. The TV effort is in addition to \$2 million in digital and social media advertising running across 37 districts, including 30 represented by Democrats and seven by Republicans.

- **Louisiana Target of Attempted Ransomware Hack:** Louisiana was targeted by an attempted ransomware attack that affected some of the state’s server computers, Governor John Bel Edwards said in a tweet. In response, the state initiated “security protocols” and took its servers down, the governor said. The moves affected many agencies’ email, websites and other online applications, he wrote yesterday on Twitter. The state was attacked as election officials canvass the results of a tightly contested Nov. 16 gubernatorial election won by Edwards by about 40,000 votes.
- **Amazon Stumbles In Attempts to Play Politics:** Amazon is a company that is accustomed to winning, but the \$869 billion e-commerce giant has spent the last few weeks suffering through humbling defeats. On Oct. 25, the Pentagon announced it was awarding a \$10 billion cloud computing contract to Microsoft. Then Amazon’s preferred candidates failed to capture control of the Seattle City Council in local elections less than two weeks later, even after the company had spent \$1.5 million on the campaign. The setbacks are not directly connected, but they follow a familiar pattern. Amazon gets into an interaction with government officials with supreme confidence – critics invariably call it arrogance – only to snatch defeat from the jaws of victory.
- **Erdogan Told Trump Turkey Won’t Give Up S-400s:** President Recep Tayyip Erdogan said he told Trump during their White House meeting that Turkey wouldn’t halt its deployment of a Russian air-defense system, as he downplayed differences between the NATO allies over the deal. “We agreed to seek solutions on the S-400” issue, Erdogan told parliament in Ankara today, referring to the missiles. Most of the problems between Turkey and the U.S. consist of “minor complications,” he said. The remarks suggest Erdogan remains confident his personal rapport with Trump will ward off punitive actions against Turkey.
- **Nominations:** Trump announced his intent to nominate Steven Dowd to be U.S. director of the European Bank for Reconstruction and Development, the White House said in a statement. Trump also plans to nominate Jason Myung-Ik Chung to be U.S. director of the Asian Development Bank, with the rank of ambassador.
- **Trump ‘Protested’ to Powell About U.S. Interest Rates:** Trump said he “protested” U.S. interest rates that he considers too high relative to other developed countries in a meeting on Monday with Federal Reserve Chairman Jerome Powell. Powell met with Trump and Treasury Secretary Steven Mnuchin at the White House residence in the morning at the president’s request to discuss the economy. It was the second face-to-face encounter this year between Trump and Powell amid the president’s relentless criticism of the U.S. central bank.
- **Hiring of Military Spouses:** Making it easier for military spouses to find jobs is “a national security issue” that should be a top priority for federal agencies, Sara Egeland, deputy assistant to the vice president and policy director to the second lady, said yesterday. Married military personnel and their families often need two salaries to get

by, and the availability of good jobs for spouses despite frequent redeployments to different parts of the world is a major factor in keeping them in the service, Egeland said.

- **International Student Enrollment:** The number of new international students enrolling at U.S. colleges and universities fell for the third straight year in the 2018-2019 academic year, according to the annual Open Doors survey released yesterday. The number of international undergraduates by fell by 2.4 percent and enrollment of international graduate students fell by 1.3 percent.
 - The report, produced by the Institute of International Education, showed the total number of international students in the U.S. still hit an all-time high of more than 1.095 million, in part thanks to training programs that allow STEM graduates to remain after completing their studies. The report is based on a poll of international enrollment at over 2,800 institutions. Over half of international students in 2018-2019 were enrolled in STEM programs and 21.1 percent were in engineering programs. China, which sent nearly 370,000 students to U.S. campuses, led the way in international enrollment for the tenth straight year.
- **Trump Gets Reprieve From Release of N.Y. Returns:** Trump should have a chance to block House Democrats from obtaining his New York state tax returns, a federal judge decided, in a boost for the president as he fends off other subpoenas for his financial records while facing an impeachment inquiry. U.S. District Judge Carl Nichols in Washington ruled last night that the House Ways and Means Committee must notify the court and the president if it plans to ask the state's Department of Taxation and Finance to turn over Trump's records. The lawmakers then must wait two weeks for the documents, giving the judge time to rule on whether the Democrats' request is lawful.