

American Nephrology Nurses Association

Daily Capitol Hill Update - Wednesday, November 20, 2019

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- 10:45am: President Trump departs White House for Texas
- 3:05pm: Trump arrives at Flextronics International, LTD in Austin, Texas
- 3:20pm: Trump tours Apple Manufacturing Plant; departs at 4pm
- Vice President Mike Pence travels to Green Bay, Wisconsin to tour the USS Cooperstown; delivers remarks at Fincantieri Marinette Marine at 1:10pm
 - Pence then travels to Indianapolis and delivers remarks at Strada Education Network's National Symposium at 6:30pm

CONGRESS

- Senate meets at 10am; resumes consideration of judicial nominees
- House meets at 10am; set to consider nine natural resources related bills
- 9am: House Intelligence Committee holds impeachment hearing with Gordon Sondland, U.S. ambassador to the European Union
 - Defense Department official Laura Cooper and State Department official David Hale to appear at 2:30pm

Congressional, Health Policy, and Political News

- **Sanofi Loses Bid to Revive Insulin Patents:** Sanofi lost its appeals court bid to revive two patents on the Lantus insulin drug, eliminating an obstacle to Mylan NV's proposed rival treatment. The Patent Trial and Appeal Board was correct to invalidate the patents on the reformulation of the active ingredient in Lantus, the U.S. Court of Appeals for the Federal Circuit ruled in a 2-1 decision released yesterday. Lantus is a genetically engineered form of insulin known as insulin glargine that can act longer than natural human insulin. It's Sanofi's biggest seller, with \$3.6 billion in sales last year, almost 10% of the French drugmaker's revenue, according to data compiled by Bloomberg.
- **Nursing Home Investment:** Sens. Warren and Brown, as well as House Progressive Caucus Co-Chairman Mark Pocan (D-Wis.), sent letters to four private equity firms – Carlyle Group, Formation Capital, Fillmore Capital Partners and Warburg Pincus – that “currently invest, or have recently invested, in companies providing nursing home care and other long-term care services,” citing reports showing how private equity investment “has played a role in the declining quality of care in nursing homes,” according to a statement. The trio requested information about the firms' management of long-term care facilities they own.

- **NIH Research:** Sens. Chris Van Hollen (D-Md.) and Rick Scott (R-Fla.) wrote to the National Academies of Science, Engineering, and Medicine yesterday asking for a report on its “recent workshop examining the role of the National Institutes of Health (NIH) in the development of new drug treatments and the impact on patient access and pricing,” according to a statement. “Federal research dollars – particularly through the National Institutes of Health – play a major role in funding the basic science research that leads to the development of prescription drugs,” they wrote in a letter.
- **Health Costs:** Sens. Van Hollen, Mark Warner (D-Va.), Bill Cassidy (R-La.) and Shelley Moore Capito (R-W.Va.) introduced a bipartisan bill yesterday to reauthorize “the nonprofit corporation established to save Americans money” on health costs and “help patients better understand their diagnostic and treatment options,” according to a statement. The bill would offer “evidence on the effectiveness of different treatment options for a condition,” the statement said.
- **Synthetic Performance Drugs:** Sens. Chuck Grassley (R-Iowa) and Sheldon Whitehouse (D-R.I.) introduced a bill that would toughen regulation of synthetic variations of performance enhancing drugs that are illegally marketed as dietary supplements. The lawmakers’ bill would add the drugs to the federal list of Schedule III controlled substances. Selective androgen receptor modulators (SARMs) are synthetic drugs designed to mimic controlled substances.
- **Envoy Denies Role in Pushing Biden Probe:** Trump’s former special envoy to Ukraine said he only realized after the fact that the president and a few close advisers were putting “unacceptable” pressure on Ukraine to launch a politically motivated investigation. Volker said that he wasn’t initially aware of attempts to prod Ukrainian authorities into investigating Biden. But he added that he came to realize that the anti-corruption efforts being demanded by the administration meant probes aimed at entangling Biden in a potential scandal.
- **Judge to Rule Monday on McGahn Subpoena:** A federal judge said she’ll rule next Monday on whether former White House Counsel Don McGahn must obey a subpoena to testify to the House Judiciary Committee. U.S. District Judge Ketanji Brown Jackson, in a brief order, said she’ll issue a ruling barring “unforeseen circumstances.” Trump has asserted that absolute immunity shields McGahn from being questioned.
- **Hong Kong Bill Passes:** The Senate unanimously passed a bill yesterday aimed at supporting protesters in Hong Kong and warning China against a violent suppression of the demonstrations -- drawing a rebuke from Beijing. China reiterated today a threat to impose unspecified retaliation if the bill became law and urged the U.S. to stop meddling in Hong Kong affairs. Ma Zhaoxu, vice minister of foreign affairs in Beijing, later summoned William Klein, a U.S. embassy official, and raised strong objections about the bill. Separately, Hong Kong’s government expressed “extreme regret” and said the legislation would negatively impact relations with the U.S.

- The House unanimously passed a similar bill last month, but slight differences mean both chambers still have to pass the same version before sending it to the president.
- **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 Republican-led Senate yesterday easily confirmed Robert Luck to the Atlanta-based circuit, 64 to 31, and is expected to confirm Barbara Lagoa to the court in the coming days. Lagoa's confirmation would actually flip the circuit central to several cases involving significant election law disputes. She won overwhelming bipartisan support in a procedural tally yesterday that set up her confirmation vote.
 - Meanwhile, Trump's nominee for a district court judgeship in Missouri is already down one Republican vote. Sen. Susan Collins (R-Maine) said she plans to oppose the nomination of Sarah Pitlyk to the U.S. District Court for the Eastern District of Missouri, citing her lack of experience, "troubling assertions" on therapies for families struggling with infertility, and stance on abortion.
- **Rural Democrats Urge Trade Deal:** Democrats from rural areas, many of whom face tough re-elections in 2020, are pushing party leaders to complete the U.S.-Mexico-Canada trade pact before the end of the year to give them a solid legislative achievement and undercut GOP criticism they're just focused on impeachment. "It's only going to get harder to make a good deal as we get closer and closer to the presidential election," Rep. Ben McAdams (D-Utah) said. "There's a window right now to get it done." An agreement between House leaders and U.S. Trade Representative Robert Lighthizer is close with enforcement provisions on labor and environment still being ironed out.
- **Teen Vaping Bill Wins Panel's Backing:** A House panel teed up a bill for passage aimed at curbing youth use of e-cigarettes by banning some flavored vaping products and raising the minimum age to buy tobacco products to 21. The House Energy and Commerce Committee approved the bill yesterday by a 28-24 vote.
 - Democrats and anti-tobacco groups said the wide-ranging measure, which would bar companies from selling e-cigarette or tobacco products with popular flavors such as mint and menthol and require tobacco advertisements to include graphic warnings, is needed to stop the increase in teen vaping. Committee leaders said backtracking on the issue by Trump's White House forces them to move ahead.
- **Asbestos Ban Approved:** A House committee approved legislation yesterday to ban asbestos but allow certain chemical manufacturers to transition away from use of the cancer-causing mineral. House Energy and Commerce Committee members approved an amended version of the Alan Reinstein Ban Asbestos Now Act of 2019 on a 47-1 vote. The bill would ban the mineral, with a few exemptions, within one year.

- Buttigieg in Rivals' Sights at Debate:** The Democratic presidential race's new pecking order will be on full display tonight, with Pete Buttigieg taking the debate stage as the emerging front-runner in Iowa and top 2020 rivals Joe Biden and Sen. Elizabeth Warren (D-Mass.) trying to knock him off that perch. Buttigieg's 9 percentage-point lead over the pack in Iowa is a sign of strength for the party's moderates as they try to convince voters that progressives such as Warren and Sen. Bernie Sanders (I-Vt.) are too far left to be viable opponents to Trump in 2020, particularly among swing voters who will play a crucial role in the general election.

 - The fifth Democratic debate will be held in Atlanta at 9 p.m. and will be hosted by MSNBC and the Washington Post. The choice of venue is also a signal of the party's desire to put Georgia in play for the presidential race and a pick-up opportunity for two Senate seats.
- Patrick Tries to Cut Into Biden's African-American Support:** Former Massachusetts Gov. Deval Patrick (D) courted black voters in South Carolina yesterday, trying to cut into Biden's commanding lead among black voters in the early primary state. At a meeting with about a dozen African-American businesswomen in Columbia, Patrick, a former managing director at Bain Capital Private Equity, spoke briefly about growing up on the South Side of Chicago before opening the floor to questions, saying he was more interested in listening than in delivering a speech.
- Booker to Pitch College Childcare:** Sen. Cory Booker (D-N.J.) will introduce a proposal today to spend an additional \$9 billion over five years on campus childcare at community colleges and colleges serving high proportions of minority students. Booker's measure, called the PROSPECT Act, would create competitive grants for programs on those campuses to care for infants and toddlers. The funding would also support new academic programs in early childhood education. Booker's bill has the support of the American Federation of Teachers and the United Negro College Fund, among other education groups.
- Sanders Takes Aim at Netflix Over Taxes:** Sanders took a shot of Netflix yesterday, saying the streaming service paid no federal income taxes in 2018. "Your \$8.99 Netflix subscription is more than the company paid in federal income taxes last year (nothing)," he said on Twitter yesterday. He added that he would "make massive corporations finally pay their fair share." Netflix disputed his claim. The company's filings with the Securities and Exchange Commission show that it paid an effective tax rate of 1% in 2018. That was well below the federal corporate tax rate of 21%.
- Lawyers Doling More Cash to Democrats:** Lawyers have long been a reliable source of campaign funds for Democratic presidential hopefuls. But the legal set's political contributions haven't been this blue since at least 2004. Lawyers and employees of the nation's law firms have contributed nearly \$17 million to presidential campaigns so far this election cycle and 95% of the total has gone to Democrats, according to the Center

for Responsive Politics. Trump's campaign has raised just over \$785,000 from lawyers and law firms.

- **Republicans Raise \$25.3M in October:** The Republican National Committee raised \$25.3 million in October, its biggest haul for the month in a nonelection year, it announced yesterday. Ronna McDaniel, the RNC's chairwoman, tied the big numbers to the public's distaste for the impeachment probe of Trump that began in October and was formalized with a full House vote at the end of the month. "It's clear that the American people are sick and tired of the Democrats' baseless investigations," she said in a statement.
- **Trump Campaign to Collide With Trade War at Apple Factory:** Trump's effort to tout U.S. economic growth will clash with his trade war today when he visits an Apple factory in Texas, where Tim Cook will probably plead in-person to keep Macs and iPhones free from tariffs. Trump's visit to the Austin factory, where Apple contractor Flex Ltd. assembles some of the company's laptops, is intended to highlight the growth in U.S. manufacturing jobs since his inauguration. Trump has made U.S. economic growth the centerpiece of his campaign for re-election in 2020 .
 - But the stop will also highlight the impact of Trump's trade war with Beijing. The administration is currently considering whether to exempt Apple goods from a 15% tariff that took effect Sept. 1, covering about \$110 billion in Chinese imports including the Apple Watch, AirPods and parts for the iPhone.
- **Election-Year Regulatory Agenda:** The White House today is set to release a comprehensive list of all regulations that federal agencies will work on over the next 12 months as the administration looks to finalize a number of rules before Trump's first term ends. The White House Office of Management and Budget is set to post on RegInfo.gov at 10 a.m. its fall 2019 Unified Agenda of Federal Regulatory and Deregulatory Actions, a senior administration official said. The biannual report lists all the rules that federal departments and agencies intend to advance or cut during the upcoming year.
- **Court Asked to Block Border Wall Funds:** Environmental and political activists are back in court in an effort to persuade a federal judge to block \$3.6 billion in border wall funding from the Defense Department that Trump made available by declaring a national emergency in February. The Sierra Club and the Southern Border Communities Coalition plan to ask U.S. District Judge Haywood Gilliam today to rule that Trump and the Defense Department broke the law by using a purported national emergency as an "end-run" around Congress's refusal to fund the projects.
- **'America First' Tensions Exposed as Esper Ends Asia Trip:** The tension between bolstering U.S. alliances while pursuing an "America First" foreign policy tripped up Defense Secretary Mark Esper on a tour through Asia -- while still leaving the Pentagon chief exposed to Washington politics thousands of miles away. Over the course of a week, Esper had the unenviable job of pressing South Korea and Japan to spend vastly

more money to host U.S. troops, rescuing a soon-to-expire intelligence pact between the Asian allies and extending an olive branch to the notoriously fickle North Korean regime as a year-end deadline for nuclear talks seems all but dead. It was rough going.

- **Wrong Sites for 79 Nukes:** Air Force inventory systems that tally the location and value of property misidentified the locations of 79 active Minuteman III nuclear-armed missiles, or almost a fifth of the fleet, last year according to an audit sanctioned by the Pentagon. Ernst & Young discovered the discrepancies during the recently completed second round of full financial audits in Pentagon history for the Air Force and other military services, which were released Friday. Deputy Defense Secretary David Norquist may be asked about the flawed inventory of the intercontinental ballistic missiles during a hearing today by the Senate Armed Services Committee on the fiscal 2019 audit.