

## American Nephrology Nurses Association

### Daily Capitol Hill Update – Wednesday, November 6, 2019

(The following information comes from Bloomberg Government Website)

#### Schedules: White House and Congress

##### WHITE HOUSE

- 3pm: President Trump delivers remarks on federal judicial confirmation milestones
- 4:10pm: Trump departs White House for rally in Monroe, Louisiana
  - Trump holds rally in Monroe, La., at 8pm where Gov. John Bel Edwards, the only Democratic governor in the Deep South, is facing Republican challenger Eddie Rispone, who describes himself as a conservative businessman, in a Nov. 16 runoff vote

##### CONGRESS

- Senate meets at 10am; resumes consideration of judicial nominees
- Undersecretary of State for Political Affairs David Hale is expected to appear before House impeachment committees as scheduled for testimony, according to a person familiar with the House committees' hearings
  - State's Hale to Speak of Political Considerations on Ukraine:AP
    - Not certain yet whether State Department counselor T. Ulrich Brechbuhl will testify in response to a subpoena
    - Not expected, though they had been invited, are Secretary of Energy Rick Perry and Russell Vought, acting director of the White House Budget Office

#### Congressional, Health Policy, and Political News

- **HHS Loses Medicare Case Appeal:** A District of Columbia federal court won't reconsider its decision that HHS improperly imposed new requirements upon providers seeking Medicare reimbursement for indigent patients' bad debts, the court said. Over 70 long-term care hospitals operated by Select Medical successfully challenged a requirement they "must-bill" state Medicaid agencies and receive remittance advice documents denying payment before applying for Medicare payments for unpaid deductibles and co-insurance owed by patients eligible for both Medicare and Medicaid.
- **Mixed Messages in Results:** Republicans suffered setbacks in two states, Kentucky and Virginia, where Democrats seized both houses of the Legislature from Republicans, gaining full control of state government for the first time in 26

years. The losses were largely attributable to local forces. Bevin was deeply unpopular and other GOP officeholders did fairly well in the state. Virginia Republicans entered the election with only a one-seat margin in each chamber in a state that has become more closely contested in presidential elections.

- Even so, those races -- and other contests in Mississippi and New Jersey that saw no changes in power yesterday -- were embraced by Trump and the Republican Party as key tests of the president's popularity. With one year until the presidential election, impeachment proceedings in Congress and the Democratic nomination battle just beginning, experts say yesterday's results have little predictive value for the 2020 election.
- **Ballot Initiatives:** Meanwhile, Texans voted to make it harder to initiate a state income tax, while the vote remained too close to call on a sports betting ballot initiative in Colorado. Other elections around the country will result in more money for medical research in Texas and second-choice voting in future local elections in New York City. Tucson, Ariz., decided against becoming a "sanctuary city" for immigrants, and San Francisco overwhelmingly voted to keep its vaping ban.
- **Trump Impeachment Defense Erodes:** Rudy Giuliani's back-channel attempts to pressure Ukraine for investigations linked to Trump's top political rival deeply unsettled two of the president's top envoys, providing fresh evidence that undercuts White House efforts to portray the episode as innocent and routine.
  - In transcripts released yesterday by the House impeachment panels, Gordon Sondland, a Trump donor serving as ambassador to the European Union, said "there was very little they could do about it if the president decided he wanted his lawyer involved" and pointed out that even Secretary of State Michael Pompeo "rolled his eyes" about Giuliani's role.
  - In more than 700 pages of transcripts, Sondland and another Trump loyalist, Kurt Volker, the former special envoy to Ukraine, said Giuliani's role as a conduit between the president and a new Ukraine government started out as perplexing and "kept getting more insidious" as he demanded public pledges from Ukraine's government to investigate a company linked to Joe Biden's son.
  - The transcripts undermine the assertions by Trump and his allies that there was no quid pro quo in the administration's interactions with Ukraine, which are now at the heart of the House impeachment inquiry. They add to indications that Giuliani was working at Trump's direction to leverage the new Ukraine president's desire for an Oval Office meeting to get him to publicly announce investigations that would benefit Trump politically.
- **Pompeo Aide Expected to Testify:** Undersecretary of State for Political Affairs David Hale is expected to appear as scheduled for testimony today, according to a person familiar with the House impeachment panels' hearings. It's not certain whether State

Department counselor T. Ulrich Brechbuhl will testify in response to a subpoena, the person said.

- **Delay in Ukraine Aid Tied to Mulvaney:** Trump and Acting Chief of Staff Mick Mulvaney directed that U.S. military aid to Ukraine be frozen, according to a text message obtained in the inquiry. In a July 18 text, acting U.S. Ambassador to Ukraine William Taylor told Sondland that a White House budget official had said “that all security assistance in Ukraine is frozen, per a conversation with Mulvaney and POTUS.” “Over to you,” Taylor said. “All over it,” Sondland replied.
- **Updating House Operations:** A temporary committee charged with updating congressional operations is asking for an additional year to complete its work as the panel examines the effectiveness of House rules and delves more deeply into issues such as staff diversity and upgrading technology. The House Select Committee on the Modernization of Congress was supposed to wrap up its work by the end of this year, but Chairman Derek Kilmer (D-Wash.) and Vice Chair Tom Graves (R-Ga.) are now asking Speaker Nancy Pelosi (D-Calif.) for an extension through 2020.
- **Budget Process Overhaul:** Congress would switch to two-year budget resolutions and set a target for the debt compared to economic growth under a measure set for a markup today in the Senate Budget Committee. The measure boasts a bipartisan list of cosponsors, including 11 Republicans and four Democratic caucus members. But it’s garnered pushback from center-left critics who say it does nothing to stop potential abuses by the executive branch and could trigger cuts to programs such as Medicare and Medicaid.
- **Retirement Fund Would Face China Investment Ban:** Chinese stocks would be off limits to a U.S. government retirement fund under a bipartisan Senate bill to be introduced today by Sens. Marco Rubio (R-Fla.) and Jeanne Shaheen (D-N.H.), aimed at concerns that the investments would undermine national security and contribute to China’s economic and corporate growth. The bill would block the Federal Retirement Thrift Investment Board from allowing its funds to invest in securities listed on mainland Chinese exchanges. Its introduction follows a move by the board to shift one of its funds to an index that includes Chinese companies by next year, although that decision could be delayed.
- **Democrats Target Opportunity Zone Tax Breaks:** Four Democratic lawmakers are asking a congressional watchdog to study the 2017 tax act’s opportunity zone incentives, following reports that wealthy individuals used political power to benefit from the tax breaks. “Given the breadth of the Opportunity Zone incentive, the lack of reporting requirements under current law, as well as the high levels of reported interest from taxpayers, we believe it is critical that the Government Accountability Office (GAO) assist Congress in evaluating the incentive and monitoring its implementation and outcomes,” said the letter, dated Nov. 4 and released today.
- **Grassley, Wyden Probe Land Deals:** The Senate’s top tax writers aren’t happy with the response they received from an individual they subpoenaed in their probe of tax-advantaged land deals. Senate Finance Chairman Chuck Grassley (R-Iowa) and ranking member Ron Wyden (D-Ore.) wrote to an attorney representing Robert McCullough Nov. 4, giving him until Nov. 11 to address the “deficiencies” in his response to the

subpoena. McCullough was one of six people who Grassley and Wyden subpoenaed in mid-September. They are investigating possible abusive syndicated conservation easements.

- **Booker Finds Every Lane Blocked in 2020:** Sen. Cory Booker (D-N.J.) warmed up a small crowd at the Jubilee United Methodist Church with a story about the time a “big dude” told him to “punch Donald Trump in the face.”
  - “I go, ‘Dude, that’s a felony, man,’” he said, garnering laughs and applause from the audience in Waterloo, Iowa, before delivering the moral of the story. “We don’t beat Donald Trump by being more like Donald Trump!”
  - In a less crowded field, Booker’s skills at connecting with voters would be paying off already. But in this cycle’s Democratic presidential contest, every lane he tries to run in is blocked. Wunderkind Rhodes Scholar turned mayor? That’s Pete Buttigieg. Favorite of the crucial African-American voting bloc? Joe Biden has most of that locked down for now and Booker is competing with Sen. Kamala Harris (D-Calif.) for any undecideds. Good before big crowds? Sens. Bernie Sanders (I-Vt.) and Elizabeth Warren (D-Mass.) have captured the progressive energy this time around. Even his message of love and conciliation is drowned out by the more New Age comments of Marianne Williamson.
- **Biden Accuses Warren of ‘Condescending’ to Voters:** Biden unleashed a blistering attack on Warren, accusing his rival of “elitism” toward Democratic voters after she suggested last week that his health care proposal would make him more at home in a Republican presidential primary. Warren’s remarks reflect an approach to politics that is “condescending to the millions of Democrats who have a different view,” Biden wrote in a post yesterday on Medium. “It’s representative of an elitism that working and middle class people do not share: ‘We know best; you know nothing.’ ‘If you were only as smart as I am you would agree with me.’”
- **Dimon Says Warren’s Rhetoric Vilifies Success:** JPMorgan Chase CEO Jamie Dimon said Warren’s rhetoric sounds like an attack on wealthier Americans. Warren “uses some pretty harsh words,” Dimon said yesterday in an interview with CNBC. “Some would say vilifies successful people.”
- **Judicial Ratings Draw Ire:** The American Bar Association’s judicial ratings are under scrutiny after a scathing assessment drove a Trump nominee to tears, prompting new skepticism about their usefulness in a charged political climate. Nine of Trump’s nominees have received unqualified marks from the ABA Standing Committee on the Federal Judiciary, three whose nominations moved forward in the past few weeks. But it also has cleared virtually all of his nominees through the Republican-led Senate, including those for trial and appellate courts, and two to the Supreme Court.
- **Trump’s Paris Climate Exit Gets Pacific Rebuke:** Pacific Islands nations claim Trump’s decision to formally withdraw from the Paris climate accord will “undermine American influence and credibility” in the region, which is increasingly coming under the sway of China. Trump’s administration on Monday began the yearlong process to withdraw from the Paris agreement; last week he called the pact “a total disaster for our country” that would hurt U.S.

competitiveness. While Trump has repeatedly questioned the science behind climate change, the chair of the Pacific Islands Forum Chair and Tuvalu Prime Minister, Kausea Natano, said today “the science is non-negotiable.”

- **Trump Apprenticeship Plan Under Fire for Alleged Misuse of Funds:** The Labor Department misused more than \$1 million to finance a White House-directed apprenticeship program after repeatedly telling Congress that existing funding would not be spent on the initiative, the DOL has confirmed. The Trump administration intended for the Industry-Recognized Apprenticeship Program to be the centerpiece of President Donald Trump’s labor policy, but the Labor Department has yet to finalize a rulemaking that would establish the new apprenticeship system – and Congress hasn’t provided any funding for it.
- **DeVos Title IX Rule Goes to OMB:** The Education Department sent new Title IX regulations to the Office of Management and Budget this week in a sign that the White House is close to finalizing a rule governing colleges’ response to sexual misconduct on campuses. Education Secretary Betsy DeVos has said the Obama administration’s approach didn’t do enough to extend protections to accused students. She announced in 2017 she’d rescind prior federal guidance on sexual misconduct and issue new rules. The department rolled out a proposal last year to significantly reduce the number of sexual misconduct claims that colleges are required to investigate, but higher ed groups complained that it would prescribe how colleges respond to those complaints, Andrew Kreighbaum reports.
- **California Fight For Trump Taxes:** California Democrats will have a chance to defend a new state law aimed at disclosing Trump’s tax returns before the state Supreme Court, after they lost similar challenges last month in federal court. Attorneys for California Secretary of State Alex Padilla (D) will argue before the state Supreme Court’s seven judges Nov. 6 that the Legislature has the authority to require presidential and gubernatorial candidates to release five years of tax returns to be eligible to appear on the state’s primary ballot.