

American Nephrology Nurses Association

Daily Capitol Hill Update – Friday, December 13, 2019

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- 11am: President Trump hosts Paraguay President Mario Abdo Benitez at White House
- 8:15pm: Trump participates in a Christmas reception
- U.S. set to announce deal with China to avert Dec. tariffs, according to people familiar

CONGRESS

- Senate meets at 3pm; to resume consideration of S. 1790, the NDAA for FY2020
- 10am: House Judiciary Committee resumes markup of impeachment articles after Chairman Jerry Nadler abruptly ended the 14-hour session without a vote just before midnight last night

Congressional, Health Policy, and Political News

- **Surprise Billing Legislation:** Senate Health, Education, Labor and Education Chairman Lamar Alexander (R-Tenn.) said he was “surprised” to see the House Ways & Means release a competing version of legislation to tackle surprise billing. “I was surprised to see it come at a late date,” he said.
 - Alexander and House Energy and Commerce Committee leaders on Sunday announced a bicameral, bipartisan agreement on the issue. The Ways & Means Committee offered its solution on Wednesday.
 - Alexander said he thinks he’s still got the best idea. “I doubt that it’s possible to write a bill that does more to lower health care cost, including surprise billing,” he said yesterday.
 - Meanwhile, the American Hospital Association, which rejected Alexander’s plan, said in a statement it appreciates the Ways and Means proposal, and looks forward to working with that committee next year.
- **Medical Device Tax Has Makers Rushing to Hill:** The medical device industry pushed for face time with lawmakers just days before Congress is expected to close shop for the year and a fee on medical products is set to take effect. AdvaMed and a number of its members’ CEOs flew in to Washington yesterday to ask lawmakers in person for a full repeal of the medical device tax – an ask that the industry has been making for at least four years. A delay is likely, but companies that manufacture medical equipment would like to see it permanently repealed. In the short term, they want to avoid the tax going into effect Jan. 1.

- **Human Research Rules Draw Cures Law Architects' Ire:** Architects of the updated biomedical innovation law have a question for newly-installed FDA head Stephen Hahn: What's taking so long updating the agency's protections for research study participants? The FDA had until today to take steps to make sure its human research study protection rules work in concert with those overseen by the HHS Office for Human Research Protections, known as the Common Rule. However, it doesn't appear that the agency will hit that deadline.
- **White House Taps Cipollone as Senate Lawyer:** White House Counsel Pat Cipollone will argue on behalf of Trump during a Senate impeachment trial, citing a person familiar with the matter. The person, who spoke on condition of anonymity since the decision had not yet been made public, said the choice was made yesterday. It's not clear if Cipollone will act as sole counsel or as part of a group of lawyers.
- **Judiciary Pushes Vote to Today:** The House Judiciary Committee plowed ahead with articles of impeachment against Trump, despite objections and amendments from the panel's Republican members, setting up a final vote this morning. The hearing began yesterday with the reading of the two charges against the president -- abuse of power and obstruction of Congress -- and quickly turned to Republican complaints about the impeachment process.
 - After hours of bitter and heated debate, the tension boiled over late last night when Chairman Jerrold Nadler (D-N.Y.) unexpectedly announced he was delaying the panel's final votes until 10 a.m. the next morning.
- **Next Week's House Agenda:** The impeachment vote by the full House is tentatively planned for Wednesday. The impeachment vote would come a day after the House votes on bipartisan spending bills, while the House tentatively would vote next Thursday on the U.S.-Mexico-Canada trade agreement, the aide said. The House will also vote on a bill that will raise the \$10,000 state and local tax, or SALT, deduction cap for 2019, and repeal the limit entirely for 2020 and 2021 . The House Rules Committee will consider the bill on Monday, teeing it up for a vote later in the week, according to a press release.
- **Spending Deal:** Lawmakers from the House and Senate reached a bipartisan deal to fund the government before the Dec. 20 spending deadline, according to House Appropriations Chairwoman Nita Lowey (D-N.Y.). The \$1.3 trillion deal in principle follows weeks of negotiations between the Democratic-led House, the Republican-led Senate and the Trump administration. Lowey was accompanied by her Republican and Senate counterparts when she told reporters yesterday that they have an agreement on all 12 spending bills needed to fully fund the government for the rest of the fiscal year. The White House has yet to sign off on the agreement.
 - Congress will have eight days to pass the measures through both chambers and get them to Trump's desk. The bills are likely to be introduced Monday, according to a person familiar with the deal.

- **Lawmakers Urge Sanctions Over China's Actions in Xinjiang:** A bipartisan group of lawmakers sent a letter to Secretary of State Mike Pompeo, Treasury Secretary Steven Mnuchin and Commerce Secretary Wilbur Ross urging the Trump administration to "respond strongly and decisively" over China's oppression of its Uighur population. Lawmakers requested the administration impose sanctions on senior leaders who have "had a role in setting and implementing China's ethnic and religious policies," according to a letter dated yesterday.
- **Trump Approves U.S.-China Trade Deal:** Trump signed off on a phase-one trade deal with China, averting the Dec. 15 introduction of a new wave of U.S. tariffs on about \$160 billion of consumer goods from the Asian nation, according to people familiar with the matter. The deal presented to Trump by trade advisers yesterday included a promise by the Chinese to buy more U.S. agricultural goods, according to the people. Officials also discussed possible reductions of existing duties on Chinese products, they said. The terms have been agreed but the legal text has not yet been finalized, the people said. A White House spokesperson declined to comment.
- **Trump Congratulates U.K.'s Johnson on Win:** The U.K. and U.S. "will now be free to strike a massive new trade deal after Brexit," Trump said in a tweet on news that Boris Johnson won an emphatic election victory. "Deal has the potential to be far bigger and more lucrative than any deal that could be made with the EU."
 - Johnson's win redraws the political map of Britain and gives the prime minister the mandate he needs to pull the U.K. out of the European Union next month. The result spectacularly vindicated Johnson's gamble on a snap election to break the deadlock in Parliament over Brexit, as his Conservatives were set for their biggest majority since 1987 under Margaret Thatcher.
- **Mexico's Senate Passes USMCA Changes:** Mexico's Senate passed changes to a new NAFTA replacement free-trade deal with the U.S. and Canada after the governments of the three nations completed months of negotiations. The Senate voted 107 to 1 to approve the changes. It only needed to debate the latest adjustments, because the original agreement was ratified 114 to 4 in June, with broad support from President Andres Manuel Lopez Obrador's Morena party and the next two biggest blocs.
 - The move makes Mexico the first country to approve the revised deal with stronger labor protections announced on Tuesday by Speaker Nancy Pelosi (D-Calif.) and backed by the largest American labor federation.
- **U.S. to Release \$115 Million in Aid for Lebanon:** Secretary of State Michael Pompeo personally intervened yesterday to order the release of about \$115 million in economic aid to Lebanon that had been quietly held up for a month, the latest skirmish over delays that became an issue in the Ukraine impeachment inquiry, four people familiar with the matter said. The hold on the Economic Support Funds, which had not been previously reported, was imposed by Bonnie Glick, the deputy administrator at the U.S. Agency for International Development, after deliberations with Deputy National

Security Adviser Victoria Coates and hard-liners in Congress, the people said. Pompeo called Glick yesterday and told her to release the money, they said.

- **Brazil to Rethink Relations With U.S.:** Brazilian President Jair Bolsonaro was “naive” to align fully with the U.S. and should change course, the head of the powerful agribusiness caucus in Brazilian Congress said. Alceu Moreira, a Bolsonaro ally and the president of the Parliamentary Agriculture Front, said two developments have prompted a review of Brazilian foreign policy: The continuation of a U.S. ban on Brazilian raw meat; as well as Trump’s decision to prioritize Argentina’s bid to join the Organisation for Economic Co-operation and Development after publicly endorsing Brazil’s membership.
- **Army’s Secret Flights Over Washington Continue:** The U.S. Army has made permanent a classified aviation mission over Washington and disclosed that it’s aimed at responding to a terrorist attack or natural disaster. The mysterious operation -- which generated complaints from local residents for excess noise at night -- was mentioned in a Pentagon request to Congress in July asking for approval to shift fiscal 2019 funds to different purposes. The request included providing \$1.55 million for aircraft maintenance, air crews and travel in support of an “emerging classified flight mission.”
- **Court Poised to Act on Trump Bid to Shield Records:** The U.S. Supreme Court is poised to make a decision as soon as today that could add an explosive new dynamic to the impeachment fight between House Democrats and Trump. The justices are scheduled to meet privately and could decide whether to consider Trump’s effort to keep his financial documents out of the hands of Congress and a New York prosecutor. In the coming days, the court could schedule a landmark constitutional showdown for early next year -- or force the quick turnover of documents Trump has fought for years to shield.
- **Trump Doesn’t Think Emoluments Clause Is Phony:** Though Trump called the U.S. Constitution’s emoluments clauses “phony” in October, a Justice Department lawyer tried to reassure a federal appeals court that the president doesn’t really believe that. “No one is denying the clauses exist or that they’re important,” department lawyer Hashim Mooppan said yesterday at arguments before a 15-judge appellate panel in Richmond, Va., that is considering one of three lawsuits accusing Trump of flouting the constitution’s prohibition on presidents receiving things of value, or emoluments, from foreign governments. The judges, who heard nearly three hours of arguments, seemed divided on the issue of whether Trump can be sued over his ownership of properties including a D.C. hotel that has been patronized by the governments of Saudi Arabia and Kuwait, among others.
- **FTC Eyes Suit to Block Facebook Plan:** U.S. antitrust enforcers are considering going to court to stop Facebook’s plan to merge technology systems so that users can communicate across the company’s apps, according to a person familiar with the matter.

The Federal Trade Commission is studying whether to seek a court order to block the company's effort to enable messaging among users of WhatsApp, Instagram and Facebook Messenger, said the person, who declined to be named because the investigation is confidential.

- **NRA Blocks Law Requiring Contractors to Reveal Ties:** The National Rifle Association blocked a Los Angeles law that requires city contractors to disclose any business ties with the gun rights organization, with a judge ruling the ordinance may violate the group's free speech rights. U.S. District Judge Stephen Wilson in Los Angeles on Wednesday granted the NRA's request for a preliminary injunction that prevents the city from enforcing the ordinance until it's determined at trial whether it's legal.
- **McDonald's Gets Win Under Trump:** The national board that referees union-organizing drives effectively absolved McDonalds of liability for alleged labor-law violations in some of its franchisees' restaurants, easing a major threat to the fast-food giant's business structure. Trump's appointees overrode an agency judge and rebuffed ethical concerns raised by labor advocates to approve a group of settlements in the matter on a 2-1 decision. The deal resolves allegations of wrongdoing without holding the corporation legally liable as "joint employer" with its franchisees. The victory, which eluded McDonald's during Obama's presidency, could help the fast-food giant close a bruising chapter in its history that imperiled its valuable brand as well as the franchise structure it's built on.
- **South Carolina Can Cancel Its Presidential Primary:** South Carolina's Republican Party can cancel its 2020 presidential primary, a judge ruled, making for one less hurdle in Trump's bid for reelection next year. The party's executive committee voted 43-1 in September to forgo the nomination contest, known for being the earliest in the southern U.S., saying the move would save South Carolina taxpayers more than \$1.2 million. But a former U.S. congressman and a state business sued to force an election, saying state law requires the party to hold a primary.