

American Nephrology Nurses Association

Daily Capitol Hill Update - Tuesday, December 3, 2019

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- President Trump, first lady Melania Trump are in the U.K. for a meeting of NATO heads of state and reception hosted by Queen Elizabeth II
 - Trump meets with NATO's Jens Stoltenberg and participated in a roundtable with supporters overnight
 - Trump said there is no deadline for China deal, could be better after elections
 - 9am: Trump meets with France's Emanuel Macron
 - 10:30am: Trump meets with Canada's Justin Trudeau
 - 12:15pm: Trump, Melania Trump have tea at Clarence House with Prince of Wales, Duchess of Cornwall
 - 1pm: Trump attends NATO Leaders Reception at Buckingham Palace hosted by Queen Elizabeth II
 - 2:40pm: Trump attends NATO Leaders Reception at 10 Downing St hosted by U.K. Prime Minister Boris Johnson
- 1pm: Vice President Mike Pence attends luncheon honoring Sen. Johnny Isakson at U.S. Capitol
- 4:15pm: Pence meets with CMS Administrator Seema Verma

CONGRESS

- House meets at 2pm and will consider 8 measures incl. S. 178, which would require the administration to sanction Chinese government officials responsible for the repression of Turkic Muslims, predominantly Uighurs
 - Also to consider a measure that would disapprove of Russia's inclusion in future G-7 summits
- Senate meets at 10am; set to resume consideration of judicial nominees
- 6pm: House Intelligence Committee will consider whether to advance report on impeachment inquiry to Judiciary Committee along with a minority report put together by panel Republicans
- Congressman Duncan Hunter set to plead guilty to a criminal conspiracy charge more than a year after he and his wife were accused of spending almost \$250,000 in campaign funds for personal expenses

Congressional, Health Policy, and Political News

- **Drug Protections Under USMCA:** The Trump administration may reduce intellectual property protections for drugmakers in an attempt to win Democratic support for the the U.S.-Mexico-Canada trade agreement, Dow Jones reports, citing people familiar with the matter. Some Democrats are urging the administration to reduce the time that leading biologic drugs would be protected from generic imitators under the USMCA deal, Dow Jones reports. The deal protects these drugs for 10 years, compared to 12 years under current law. Democrats and others want that period to be further reduced.
- **IRS Waives ACA Reporting Penalties:** The Internal Revenue Service is providing employers two more months to prepare their annual health insurance coverage paperwork and won't enforce corresponding penalties as part of its transition relief flowing from changes affecting the Affordable Care Act. The notice, issued yesterday, mimics prior filing extensions by the Trump administration, granting health-care providers until March 2020 to send out tax-related Forms 1095-B and 1095-C. The documents, which participants must file with their tax returns to prove they met minimum essential coverage standards, became ceremonial once Trump's signature tax cut nullified the requirement that all individuals have health coverage or pay a penalty.
- **Schumer Says Progress Made on Spending Bills:** Senate Minority Leader Chuck Schumer (D-N.Y.) said lawmakers are working to finish fiscal 2020 spending bills by the end of the year, after reaching an agreement on the top-line amounts for the 12 bills. Schumer, speaking in opening floor comments, said Democrats will insist on resources to fight opioid addiction and gun violence, investments in infrastructure and election security and will continue to oppose any effort to take money from military projects to pay for Trump's border wall.
 - Lawmakers are negotiating to meet a Dec. 20 deadline to continue funding the government.
 - In anticipation of walking right up to that deadline, House Majority Leader Steny Hoyer (D-Md.) has officially updated that chamber's December schedule. The House will officially be in session the week of Dec. 16, with last votes expected on Dec. 20, possibly after 3 p.m., according to the update. The House had previously planned to leave for recess on Dec. 12.
- **Trade, Health Care Among Trump's Legislative Priorities:** Action on trade, prescription drugs, government spending bills and a plan to create a new Space Force are among the top priorities for Trump as Congress works to wrap up its business this year, White House legislative affairs director Eric Ueland said yesterday in an interview. Trump supports House and Senate appropriators' efforts to finish a set of 12 "full year" spending measures and is closely monitoring the process, Ueland said. Trump is continuing to push for border wall funds and other items in the appropriations process, Ueland said.

- **Grassley Cites Need for Deal on USMCA:** If a deal on the U.S.-Mexico-Canada Agreement isn't reached by the end of this week, "I do not see how the USMCA can be ratified in the year we're in," Senate Finance Chairman Chuck Grassley (R-Iowa) said on the Senate floor yesterday. "By all accounts, the deal is close," Grassley said, adding that he urges House Democrats "to act quickly" and "be reasonable so that we can finally deliver certainty on this issue to the American people."
- **Hedge Fund Lawyer Poised to Become Federal Judge:** A hedge fund general counsel is expected to be confirmed today as a federal judge in New York as the Senate looks to act on a number of Trump's judicial selections in coming days. Lawmakers voted 81 to 5 yesterday to invoke cloture, or limit debate, on the nomination of Eric R. Komitee for the U.S. District Court for the Eastern District of New York, which includes Brooklyn. That procedural step sets up final consideration.
 - Komitee would become only the second district court judge in New York confirmed under Trump. A former federal prosecutor and the general counsel for Viking Global Investors, Komitee is one of eight trial court nominees who were primed for floor votes as the Republican-led Senate kicked off another judicial push with 2019 closing fast.
- **Brouillette Confirmed:** The Senate's confirmation of Dan Brouillette to succeed Rick Perry as secretary of the Energy Department still leaves a host of energy, environment, and climate science positions unfilled with just weeks to go in the first session of the 116th Congress. The Republican Senate moved relatively quickly in filling Perry's position, voting 70-15 to confirm Brouillette to be Trump's second energy chief in less than three years.
- **Lawmakers Tackle Privacy Protections:** Senate Commerce, Science and Transportation Chairman Roger Wicker (R-Miss.) is open to the possibility of a narrowly focused private right of action for consumers when companies violate their privacy, as lawmakers work to refine their negotiating points ahead of a hearing on privacy legislation this week. Wicker said he could consider a very narrow private right of action, such as injunctive relief, in legislation his panel is discussing, a change in his previous stance on the issue. He had opposed a federal privacy bill with any private right of action, which would allow consumers to sue companies if their private data is violated.
- **Banking Panel's Slow Pace:** Frustration within the Senate Banking Committee is building over how slowly legislation is moving, with the bottleneck blocking bills aimed at increasing shell company transparency and improving access to financial services for marijuana businesses. The committee, led by Chairman Mike Crapo (R-Idaho), has debated and approved just one bill this year, and has no markups scheduled through the end of December.

- **Trump May Meet Again With Erdogan:** Trump said he's willing to sit down in London this week with Turkish President Recep Tayyip Erdogan, even though their meeting last month on Syria touched off outrage in Washington. Trump told reporters today in London -- where he's attending a summit for the 70th anniversary of NATO -- that Turkey was an important U.S. ally, especially in the fight against Islamic State, and was a country the U.S. had good ties with. "I like Turkey," Trump said. He added he was not sure if a chat with Erdogan was already planned. The president's formal schedule does not currently include a meeting with the Turkish leader.

 - Turkish officials have said they hope for some sort of interaction. But even if they don't cross paths, the relationship between Erdogan and Trump will be closely watched.
 - The U.K. is hosting NATO leaders to mark the military alliance's 70th anniversary. The timing is delicate as tensions abound among the allies.

- **France Vows to Retaliate Over U.S. Tariff Threat:** France's government said the European Union would retaliate if the U.S. follows through on a threat to hit about \$2.4 billion of French products with tariffs over a dispute concerning how large tech companies are taxed. "It's not worthy of an ally, and it's not the behavior we expect from the U.S. toward one of its main allies, France, and more generally, Europe," French Finance Minister Bruno Le Maire said on Radio Classique today. "If there were new U.S. sanctions, the EU would be ready to retaliate."

 - The office of the U.S. Trade Representative said yesterday that France's digital services tax -- a levy that hits the revenues of large American tech companies including Google, Apple, Facebook and Amazon -- "discriminates against U.S. companies." The American tariffs would be imposed after a public comment period concludes in early 2020 and could target sparkling wine, cheeses, handbags and makeup.

- **Trump Says No Deadline for China Deal:** Trump signaled he would be willing to wait for another year before striking a trade agreement with China, casting doubt on the likelihood of a phase-one accord between the U.S. and China within weeks. Trump told reporters in London he has no deadline for a potential deal, suggesting that in some ways it could be better to wait even until after the U.S. presidential election in November, 2020. However, he said China wants to do a deal now, and he would see if the deal was right.

- **North Korea Gives Trump Veiled Threat:** North Korea said it was preparing a choice of "Christmas" gifts for Trump, in the country's latest effort to pressure the U.S. to offer more concessions in nuclear talks before the new year. Top North Korean diplomat Ri Thae Song said in a statement today that the onus was on the U.S. side to determine how the regime would behave through the holiday season. Ri also accused the Trump administration of attempting to drag out talks and "use it in favor of the political situation and election in the U.S.," according to the state-run Korean Central News Agency.

- **All-In Trump Bet Backfires for Bolsonaro:** Brazilian President Jair Bolsonaro is learning the cost of partnering with Trump the hard way. During his first year on the job, Bolsonaro assiduously courted the American president, parroting his hard-line policies on Venezuela and Hezbollah while breaking with diplomatic protocol by predicting a Trump victory in 2020 during a visit to the White House. Yet his all-in bet on Trump is quickly souring as signs mount that the alliance isn't delivering real benefits to Brazil.
- **How Warren Could Get a Wealth Tax Passed:** Democratic presidential candidates Elizabeth Warren (D-Mass.) and Bernie Sanders (I-Vt.) want to enact a wealth tax to pay for their large government programs. The biggest barrier may not be Congress, but the Constitution. The Constitution says the federal government is prohibited from imposing "direct taxes," except for income tax, without distributing the money among the states according to population. The progressive candidates' wealth taxes would be used for federal programs such as free health care, free public-college tuition and universal day care.
 - Even if Democrats manage to win control of the House, the Senate and the White House, wealth-tax supporters have become increasingly worried that their policy plans could be stymied by a constitutional challenge. This was a concern even before Trump installed two new members of the Supreme Court. So left-leaning tax experts are working on ways to put a wealth tax on a more solid constitutional footing. And there is no shortage of ideas.
- **Biden Doesn't See 'Enthusiasm' for Warren:** Former Vice President Joe Biden dismissed the suggestion that his rivals Warren and South Bend Mayor Pete Buttigieg are garnering real enthusiasm from voters during a blunt conversation with reporters yesterday. "You don't see that with Warren. Stop kidding a kidder. OK, come on, man, give me a break," Biden said of Warren, who's drawing large crowds, though she's fallen from her highs in state and national polls. "Look at the polling everywhere. OK. Tell me. Tell me where this great enthusiasm is manifesting itself."
- **SCOTUS Asked to Allow Executions to Resume:** Trump's administration asked the U.S. Supreme Court to clear the federal government to resume executions as soon as next week. The emergency filing yesterday urged the court to lift a hold that a trial judge placed on the federal death penalty last month. Trump's Justice Department wants the hold lifted in time for Daniel Lewis Lee to be put to death on Dec. 9. Attorney General William Barr said in July that the federal government would end a 16-year hiatus on imposition of the death penalty. Barr said at the time that execution dates had been set for five men, starting with Lee.
- **Max Disasters Fuel Outcry Over FAA:** After his daughter Samya died in the crash of a Boeing 737 Max in Ethiopia, Massachusetts lawyer Michael Stumo was stunned to learn that key decisions on the plane's design were approved by the company. Under a decades-old system that was expanded several times since 2005 by Congress, aviation

regulators delegate some certification work to aircraft manufacturers, and that was the case on significant elements of the 737 Max system implicated in two fatal crashes.

- Now, as fixes to the plane are nearing completion, the fatal crashes have fueled momentum to revise the Federal Aviation Administration's process for certifying aircraft. Following the public outcry from family members of victims, U.S. lawmakers and the nation's top aviation regulator have embraced change after a series of reports highlighted how risks in the plane were underestimated.

- **Pipeline Across Appalachian Trail:** The U.S. Forest Service has full authority to allow natural gas pipelines to cross the Appalachian Trail, industry lawyers and the Trump administration told the Supreme Court in a pair of filings yesterday. Government and industry lawyers say a lower court got it wrong when it ruled that only the National Park Service can oversee development across the trail. "Simply put, there is no basis in any federal statute to conclude that Congress intended to convert the Appalachian Trail into a 2,200-mile barrier separating critical natural resources from the eastern seaboard," lawyers for Atlantic Coast Pipeline told the court in a brief.