

American Nephrology Nurses Association

Daily Capitol Hill Update - Monday, December 9, 2019

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- 12:30pm: President Trump has lunch with Vice President Mike Pence
- Trump participates in roundtable about education
- 4:15pm, 8:15pm: Trump participates in Christmas receptions

CONGRESS

- House meets at 3pm: first votes are 6:30pm
 - Considers 16 bills under suspension of the rules
- Senate meets at 3pm
 - Will resume consideration of Patrick Bumatay to be U.S. circuit judge for the ninth circuit
- 9am: House Judiciary Committee holds second hearing on impeachment probe into Trump with presentations by chief counsels for both parties on Intelligence and Judiciary panels

Congressional, Health Policy, and Political News

- **Pelosi Faces Liberal Backlash on Drug Bill:** U.S. Speaker Nancy Pelosi's (D-Calif.) signature drug pricing bill could be in danger as leaders of House Democrats' liberal wing are weighing whether to block the legislation if changes aren't made.
 - Rep. Mark Pocan (D-Wis.), one of the co-chairs of the Congressional Progressive Caucus, said the group is testing its members' views on preventing the party's signature Medicare negotiation bill (H.R. 3) from coming to the floor this week.
 - Pocan and fellow caucus Chairwoman Pramila Jayapal (D-Wash.) have been asking to expand the scope of the legislation, increasing the number of drugs subject to government price negotiations and starting to extend some of bill's price caps to the commercial market.
 - "You can't just reject all amendments and let one staff member write this whole bill," Rep. Lloyd Doggett (D-Texas), a member of the caucus, said.
 - The group may take its stand on a procedural step needed to bring the measure to the floor, rather than voting against the bill itself. By voting against the rule governing floor debate on the bill, Pocan said, leaders would have the option of making changes and bringing the legislation back.
 - "I don't think the bill will be voted against," Pocan said. "The rule could be in jeopardy."
- **Senate Releases Bill:** Meanwhile, Senate Finance Chairman Chuck Grassley (R-Iowa) and ranking member Ron Wyden (D-Ore.) on Friday unveiled a new version of a separate drug pricing measure that has broader bipartisan support. Under their revised

version, seniors could pay a smaller portion of the cost for medicines, and be shielded from huge one-time drug expenses.

- The bill (S. 2543) would lower Medicare beneficiaries' out-of-pocket expenses in the initial phase of a prescription drug plan from 25% to 20%, while keeping a controversial provision to require drug plans and pharmacy middlemen to disclose rebates and network fees.
 - President Donald Trump praised the measure on Friday and urged Congress to pass it this year, according to emailed statement from the White House.
- **House, Senate Leaders Cut Surprise Medical Billing Deal:** Leaders of the House and Senate health committees announced yesterday they have reached a deal on a package of health care legislation including measures to tackle surprise medical billing.
 - Sen. Lamar Alexander (R-Tenn.), chairman of the Senate Health, Education, Labor, and Pensions Committee, and Reps. Frank Pallone, Jr. (D-N.J.) and Greg Walden (R-Ore.), the Democratic and Republican heads of the House Energy and Commerce Committee, said in a statement they'd reach agreement on legislation to end surprise bills, raise the age to buy tobacco products to 21, and extend funding for federal health programs like community health centers.
 - The legislation could pass as part of a spending bill later this month, Walden said earlier in the week.
 - **HELP Markup:** The Senate HELP Committee scheduled a markup Thursday of four bills including: S. 2971, to amend and reauthorize the Child Abuse Prevention and Treatment Act; S. 2080, to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, social work schools, and other programs; and S. 2683, to establish a task force to assist states in implementing hiring requirements for child care staff members to improve child safety.
 - **Universal Health Coverage:** The House Energy and Commerce Health Subcommittee plans a hearing tomorrow on proposals for achieving universal health coverage. The committee added two more measures to the hearing from the original list: the "Incentivizing Medicaid Expansion Act of 2019" (H.R. 584); and the "Consumer Health Options and Insurance Competition Enhancement Act" (H.R. 2085).
 - **Drug Supply Chain:** The House Energy and Commerce Oversight and Investigations Subcommittee meets tomorrow for an oversight hearing of the FDA's Foreign Inspection Program, focusing on securing the U.S. drug supply chain.
 - **Paid Family, Medical Leave:** The House Oversight and Reform Committee tomorrow will examine the need for national comprehensive paid family and medical leave.
 - **Carcinogens Detection:** The House Oversight and Reform Committee holds a hearing tomorrow on carcinogens in talc and asbestos detection methods.
 - **Lawmaker Letters:**
 - House Energy and Commerce ranking member Walden, Oversight Subcommittee ranking member Brett Guthrie (R-Ky.), and Health Subcommittee ranking member Michael Burgess (R-Texas) in letters pressed top insurance companies for answers "as to their role in the rising cost of insulin at the pharmacy counter," according to a statement. In letters to Anthem, Blue Cross

Blue Shield, CVS Health, Cigna, Kaiser Permanente, and UnitedHealth Group, the trio asked for information on “the relationship between insulin’s list price and its negotiated price and the impact this negotiation process has on patients.”

- Rep. Pramila Jayapal (D-Wash.), a member of the House Judiciary Subcommittee on Antitrust, in a letter urged Google for information about its health data collection activities. Jayapal asked Google CEO Sunday Pichai and Google Cloud’s Tariq Shaikat for information on how the company uses the health care data they collect, “and the procedures they have in place to protect that data,” according to a statement.
- **FDA Is Rapidly Approving Drugs:** The U.S. is approving new drugs so fast that companies are now preparing for a green light months in advance of scheduled decision dates, a pace that’s helping patients with rare or untreatable diseases but raising alarm among consumer advocates. Global Blood Therapeutics, which makes a new sickle cell disease drug called Oxbryta, built a booth to showcase the medicine at the annual meeting of the American Society of Hematology that began this weekend, even though the FDA’s approval date is scheduled for next March.
- **ACA Case at SCOTUS Goes Beyond Health:** Health insurers who lost money selling plans on Obamacare exchanges to people who otherwise wouldn’t have qualified for coverage will try to convince the Supreme Court tomorrow that the government owes them over \$12 billion. It’s an odd case, but the court’s verdict still will be consequential because it involves questions that go beyond health care, Michael S. Kolber, a partner at Manatt, Phelps & Phillips in New York, said.
 - The program at issue ended in 2016, and the outcome will have little impact on insurers’ future participation in ACA exchanges, said Kolber, a former lead legal adviser to the HHS on several key features of the Affordable Care Act.
 - But there are “big picture” questions concerning whether Congress repealed a statutory promise to pay, and if so, whether the government can be counted on to keep its promises in the future, Katie Keith told Bloomberg Law. Keith is a health policy expert who teaches courses on the ACA at Georgetown University Law Center.
- **Lawmakers Review USMCA:** Negotiations on the stalled U.S.-Mexico-Canada Agreement reached a crucial phase in Washington on Saturday, as the Trump administration sent Speaker Nancy Pelosi (D-Calif.) a proposal for changes to the deal for review, according to people familiar with the talks.
 - Mexican Foreign Minister Marcelo Ebrard said that changes to the NAFTA successor trade deal with the U.S. and Canada must respect his nation’s “red lines.” Ebrard told reporters yesterday he briefed the nation’s Senate on the position of President Andres Manuel Lopez Obrador’s government to reject a U.S. demand for American labor inspectors south of the border. He said a U.S. proposal for steel in cars to originate in North America would only be acceptable if implemented after more than five years, and a demand on aluminum is impossible for Mexico to meet.
- **Defense Authorization Vote:** Congressional negotiators and the White House have reached agreement on the fiscal 2020 defense bill and the House will vote as soon as Wednesday, Rep. Mac Thornberry (R-Texas) said over the weekend. Thornberry, top

Republican on the House Armed Services Committee, was speaking at the Reagan National Defense Forum in Simi Valley, Calif.

- The agreement reached would include Trump's proposed Space Force as a separate branch of the military -- the first new military service to be created in the U.S. in seven decades. It would also include 12 weeks of parental leave for all federal employees and a fix to fully reimburse military spouses for survival benefits.
- **Hunter to Resign After Holidays:** Rep. Duncan Hunter (R-Calif.) said he will resign from Congress "after the holidays" following his guilty plea to a conspiracy charge this week and a warning from the House Ethics Committee not to vote. "Shortly after the holidays I will resign from Congress," Hunter said in an emailed statement Friday. "It has been an honor to serve the people of California's 50th District, and I greatly appreciate the trust they have put in me over these last 11 years."
- **Biden-Buttigieg Dream of Congress Unity:** Joe Biden and Pete Buttigieg are selling voters on their ability to unite Democrats and Republicans around their agenda. But current and former members of Congress have a message for them: Dream on. Biden frequently tells voters that if Trump is defeated, Republicans will have an "epiphany" and work with Democrats. Buttigieg, in a 30-second spot appearing in South Carolina, vows to "unify the American people" around pocketbook issues, gun violence and immigration.
 - But the two moderate Democrats may be walking into the same trap that stymied President Barack Obama: A belief that they can overcome intense tribalism and get Republicans to work with them.
- **Warren Says She Made \$1.9 Million as Bankruptcy Lawyer:** Sen. Elizabeth Warren (D-Mass.) yesterday said she made about \$1.9 million working as a bankruptcy lawyer over three decades, a disclosure that comes after requests from the media and Buttigieg for her to release her tax returns. Warren had previously released the names of the clients and cases she took on during her tenure as a professor at Harvard and other law schools, as well as 11 years of tax returns, dating back to 2008. The documents released yesterday cover her compensation between 1985 and 2009, but don't include tax returns.
- **Kerry Rallies With Biden, Evoking Some 2004 Parallels:** For some voters, seeing John Kerry and Joe Biden campaign together felt like déjà vu. In 2004, Kerry was the establishment Democrat who struggled in early-state polls but went on to defeat populist rivals for the nomination, propelled by a perception that he was the most "electable" option to face down a Republican incumbent unpopular with the left. Now Biden, having recently won Kerry's endorsement, is looking to replicate that feat with a similar message of experience and steady leadership as he faces serious competition from progressive competitors.
- **Trump Plays Up Deregulatory Moves:** Trump called fiscal 2019 another wildly successful year for his administration's deregulatory mission and touted more than \$50 billion in total savings, a claim law professors and regulatory analysts deem true in some ways and exaggerated or false in others. Federal agencies took 150 deregulatory actions during fiscal 2019, which ended Sept. 30. They also issued 35 new, economically

significant regulations, the White House regulatory office said in a report released Friday.

- **Trump Emolument Suits Advance:** Even as he faces impeachment over Ukraine, federal lawsuits claiming that Trump has unconstitutionally enriched himself continue to dog him. Now two of the suits have reached a crucial juncture. A pair of U.S. appeals courts this week will consider whether to let the two “emoluments” cases go forward. The plaintiffs argue that the president is financially benefiting from foreign and domestic government officials using his properties. A ruling against Trump could open his business affairs to scrutiny just before the 2020 balloting, after he has spent much of his first term guarding them -- though only if the courts act unusually fast.
- **High Court Temporarily Keeps Trump Records Private:** A U.S. Supreme Court justice temporarily blocked subpoenas that would force Deutsche Bank and Capital One Financial to turn over years of Trump’s financial documents to two House committees. Justice Ruth Bader Ginsburg put the subpoenas on hold on Friday until Dec. 13. The justices are already scheduled to discuss at a private conference that day whether to take up a separate challenge by Trump to a subpoena by a New York prosecutor for his tax returns.