

American Nephrology Nurses Association

Daily Capitol Hill Update – Tuesday, February 18, 2020

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- Trump travels to California for a four-state trip this week on the West Coast
 - 12:30pm: Trump departs White House for California
 - 6:25pm: Trump arrives in Los Angeles
 - 7:10pm: Trump participates briefing with U.S. Olympic and Paralympic Committee and LA 2028 organizers
 - 8:45pm: Trump participates in roundtable with supporters; delivers remarks at 9:15pm
 - 10:45pm: Trump departs Los Angeles en route to Las Vegas; arriving just after midnight ET

CONGRESS

- House, Senate return next week

Congressional, Health Policy, and Political News

- **Medicaid Work Plan Rejected:** The Trump administration's attempt to restore a work requirement for Medicaid benefits in Arkansas was rejected on appeal, a blow to the government's larger plan to reshape U.S. health-care policy. Friday's ruling, by a federal appeals court in Washington, upholds a lower-court's March decision that voided the work rules and jeopardizes similar programs approved by the HHS in seven other states, likely prompting the government to seek a Supreme Court review.
 - The Centers for Medicare and Medicaid Services said the agency is reviewing the ruling and determining the next steps. The agency said it remains steadfast in its commitment to weighing proposals that would let states leverage innovative ideas. The initiative, which requires some Medicaid recipients to work, attend school or volunteer in order to maintain coverage, is part of a broader push to chip away at the Affordable Care Act.
 - The administration defeated a legal challenge to rules permitting expansion of short-term and limited-duration insurance policies in July. It lost an earlier ruling on a program allowing small businesses and individuals to create group plans cheaper than those offered under Obamacare but provide less coverage.
- **IG Says Medicare Providers Abused Database:** Medicare providers routinely abused a drug database system originally created to look up a patient's drug benefits to troll for private information and marketing leads, a federal probe found. Private data, such as names, birthdays, and ZIP codes, should only be accessed when providers are checking if a

patient is covered by Medicare's outpatient prescription drug program, called Part D, or other drug benefits. Concerns that providers were abusing the system pushed the HHS inspector general to investigate.

- **Health Apps Push Draws Data Queries:** There's a smartphone-sized hole in an upcoming rule to protect private patient data while making it easier to share the information, IT advocates warn. The rule, expected soon, aims to give patients free access to their health information and prevent providers and health tech vendors from improperly sharing or withholding the data. It would require app makers to build interfaces allowing that information to be shared in an effort to make patient data more accessible.
- **Barr Orders Flynn Review:** Barr ordered a review of the Justice Department's prosecution of Trump's former National Security Advisor Michael Flynn. Barr appointed U.S. Attorney Jeffrey Jensen to examine the case against Flynn and potentially other matters, according to a person familiar with the decision. Flynn pleaded guilty in 2017 to lying to federal agents about his contacts with Russia's ambassador. He's since sought to have the charges dismissed.
- **Stone Seeks New Trial:** Roger Stone filed a sealed request for a new trial less than a week before he's due to be sentenced for lying to Congress, witness tampering and other crimes. The Republican operative filed the request Friday in Washington federal court. U.S. District Judge Amy Berman Jackson ordered prosecutors to file a sealed response by Feb. 18, while Stone is scheduled to be sentenced Feb. 20. Jackson rejected Stone's earlier request for a new trial on Feb. 5.
- **Bolton Warns of 'Censorship' of Book:** Meanwhile, former National Security Adviser John Bolton is raising alarm that the White House could block his memoir describing his interaction with Trump on Ukraine. "I hope it's not suppressed," Bolton said yesterday at a speech at Duke University. "This is an effort to write history and I did it the best I can. We'll have to see what comes out of the censorship." Bolton then added: "I say things in the manuscript about what he said to me," referring to Trump.
- **New Whistleblower Ombudsman:** Speaker Nancy Pelosi (D-Calif.) on Friday named Shanna Devine to be the first director of the chamber's Whistleblower Ombudsman, according to a statement. The office will develop best practices for whistleblower intake and provide training on how to receive information from whistleblowers. Devine has previously worked with Congress on strengthening whistleblower protections and has led campaigns for passage of whistleblower laws, Pelosi said.
- **Democrats Call for More Virus Funds:** The White House is skimping on efforts to contain the coronavirus and must immediately request more funding, Senate Democrats said in a letter released Saturday. Instead of requesting new funding to fight the outbreak, Health and Human Services Secretary Alex Azar has pulled \$136 million from other programs his agency oversees. Trump's administration hasn't informed Congress of how much it needs to

fight the virus, 26 Democrats including Senate Minority Leader Chuck Schumer (D-N.Y.) wrote in the letter.

- **U.S.-Taliban Peace Deal:** The U.S. and Taliban will sign a peace deal at the end of the month, over a year after negotiations started, paving the way for broader talks between the Afghan government and the militant group on the country's post-war future. The peace accord will be signed at a ceremony in Doha, Qatar, where the Taliban has a political office, according to the office's deputy leader, Abdul Salam Hanafi. The treaty to bring an end to the U.S.'s longest war follows a deal with the Taliban on Friday for them to reduce hostilities for a seven-day period.
- **Flaws Plague Border Eye Scans:** U.S. Customs and Border Protection ditched a plan to use iris scanning to track people coming in and out of the country after a federal contractor couldn't explain flaws in the technology. The agency switched gears instead to facial recognition, a move that independent reviewers say highlights the risks and opportunities that come with the growing use of artificial intelligence in the federal government.
 - The border agency wasn't able to fully understand what went wrong with the scans, meant to use unique patterns in travelers' irises to confirm their identities against their identification documents, according to internal agency records. That's because the unnamed contractor that created the system didn't want to divulge proprietary information.
- **States Seek Space Force Assurance:** National Guard leaders, concerned over losing their state-controlled space units to the newly created Space Force, are seeking reassurances from the Pentagon. Guard leaders from four states this week publicly appealed for creating a Space National Guard to preserve state units that could otherwise be absorbed into the Space Force, the sixth military service branch created in December.
 - "If you don't have a Space National Guard, the Space Force will be yet further disconnected from the community and cause all those civil-military divides that the military always grouses about," said Maj. Gen. David Baldwin, the adjutant general of the California National Guard. Leaders from the National Guards in Florida, Colorado, and Hawaii also voiced concerns amid the uncertainty.
- **U.S. Blasts Detention of Guaido's Uncle:** Venezuela's detention of opposition leader Juan Guaido's uncle is based on "preposterous charges" and another sign of the "increasing desperation" of Nicolas Maduro's regime, the U.S. Department of State said in a statement. The U.S. "strongly condemns" the detention of Juan Jose Marquez, uncle of interim President Juan Guaido," the department said. It added that the U.S. would hold Maduro and those around him responsible for the safety and welfare of Guaido's family as well as all who defend democracy in Venezuela.
- **Army Chief Praises BAE:** The U.S. Army approved full-rate production for BAE Systems's \$10 billion self-propelled howitzer program after "very encouraging" cooperation with the contractor to fix production problems, according to Army Secretary Ryan McCarthy. Army

officials worked with BAE at its York, Pa., facility to improve production processes, McCarthy said after speaking on Friday at the National Press Club in Washington. He said the company “changed leadership and moved a lot of different people in place,” while “making more investments in the tooling necessary.”

- **Bolton Laments U.S. Strategy in Iran, North Korea as Failures:** U.S. policy in Iran is failing and more pressure could be applied on the nation, Bolton said yesterday at the Duke University event in North Carolina. Bolton said U.S. strategy in North Korea isn't working, and that the pursuit of Kim Jong Un is “doomed to failure.”
 - “I think this has been a wasted two years,” Bolton said of U.S. policy on North Korea. “We’ve given them two years more to advance their program.” He added Trump’s meeting with Kim “failed too,” suggesting “it was perfectly evident it was going to fail.”
- **Wisconsin Primary Underway:** Voters in Wisconsin’s 7th District are voting for nominees today for a House seat vacated by Rep. Sean Duffy (R) last fall. State Sen. Tom Tiffany and Jason Church, a former Senate aide, are seeking the Republican nomination. Either Republican will be favored to win the May 12 special election in a district Trump carried by 57% to 37% in the 2016 election. Tiffany’s backers include the political arms of the U.S. Chamber of Commerce, the Club for Growth, and the House Freedom Caucus, and Church’s supporters include political committees advocating for more military veterans in Congress. Both have aligned with Trump in campaign commercials.
 - The Democratic candidates are Tricia Zunker, the president of the Wausau Board of Education and a justice on the Ho-Chunk Nation Supreme Court, and Lawrence Dale, an insurance salesman. The district includes Wausau, Superior, and other areas in the northwestern region.
- **Bloomberg’s Rise in Democratic Race Provides Foil for Sanders:** Michael Bloomberg’s sudden arrival in the Democratic spotlight has put him under new scrutiny from all of his opponents. But Sen. Bernie Sanders (I-Vt.) has taken him on with unparalleled zeal.
 - “Mr. Bloomberg, like anybody else, has a right to run for president,” Sanders told a rally of more than 6,000 people in Richmond, a city near San Francisco on Monday, drawing boos against Bloomberg. “He does not have a right to buy the presidency. Especially after being the mayor of New York and having a racist stop and frisk policy, especially after opposing — imagine a multibillionaire opposing a raise in the minimum wage.”
 - Bloomberg qualified for his first debate of the cycle Wednesday in Las Vegas after he reached 19% support in a NPR/PBS NewsHour/Marist poll released today. It was his fourth poll with more than 10% support, meeting the Democratic National Committee’s new threshold for qualification.
- **Biden Looks to Bounce Back in Nevada After Rough Start:** Joe Biden has emerged in Nevada displaying a new passion on the stump, with crisper speeches and a new humility he seemed to lack going into the 2020 Democratic nominating process. But with four days

before the Nevada caucuses, keeping his promise to Nevadans that he would win or come in second on Saturday means a lot of work ahead, and could shape whether his campaign has the ability to go on deep into the primary calendar.

- At a town hall in Reno on Monday, a voter was direct. “What the hell is the matter with your campaign?” the man asked. “Well, that’s a good question,” Biden responded, before blaming the largely white electorates in Iowa and New Hampshire and saying he was more hopeful about the contests ahead with their racially diverse voters.
- **Sanders, Bloomberg, Biden in Virtual Tie in Virginia Poll:** Sanders, Bloomberg and Biden are in a tight three-way race for the lead in a poll of likely Democratic voters in Virginia released today. Sanders and Bloomberg each have the support of 22% of the likely primary voters surveyed in the March 3 Super Tuesday state by Monmouth University, and Biden had 18%. The poll, conducted February 13-16, has a margin of error of 4.9 percentage points.
- **Klobuchar Prosecutor Role Draws Scrutiny:** Sen. Amy Klobuchar (D-Minn.) pressed the need to tackle racial disparities in the criminal justice system as scrutiny over her track record as a prosecutor in Minnesota grew, following a strong showing in the New Hampshire primary. Klobuchar told CNN’s “State of the Union” on Sunday that: “Everyone involved in the criminal justice system has to take responsibility, including myself.” She said.
 - The moderate Democrat’s time as the top prosecutor in Minneapolis has come under fire amid new revelations in the case of a 16-year-old who was sentenced to life in prison for the 2002 death of an 11-year-old girl killed by a stray bullet. Both were African-American. Klobuchar on Feb. 11 said new information in the case ought to be reviewed immediately.
- **De Blasio Endorses Sanders:** New York Mayor Bill de Blasio endorsed Sanders in the Democratic presidential primary on Friday. De Blasio, who ended his own run for the nomination last September, will join Sanders on the campaign trail this week. “We are so proud to have the support of a New York City mayor fighting every day to improve the lives of New Yorkers,” Sanders said in a statement, calling de Blasio “a leading example of what bringing the Democratic Party together” around universal pre-Kindergarten, paid family and sick leave, and “defending immigrant neighbors can do for our country.”
- **Trump Plans North Carolina Rally:** Trump will hold a rally in North Carolina on the eve of Super Tuesday, continuing his pattern of gathering supporters ahead of primary votes. The Trump campaign will hold a rally at 7 p.m. on March 2 at the Bojangles Coliseum in Charlotte, a key area of the state if North Carolina ends up competitive in the general election. The rallies serve several purposes. They boost turnout in the Republican primary, which Trump enjoys pointing to as evidence of his popularity. They help the Trump campaign gather names and contact information for backers in potential swing states. And they steal some of the spotlight from the Democratic candidates.

- Meanwhile, on Sunday, Trump took his campaign to the Daytona 500, as he seized center stage at the popular stock-car race and courting supporters in a state he needs to win. Trump visited the Daytona International Speedway for the “Great American Race” where he delivered remarks and, as Grand Marshal, gave the command, “Gentlemen, start your engines.” Trump and his wife Melania also got a spin around the track in their armored Cadillac limo, known as The Beast.

- **Trump Pushes for Presidential Power as Top Court Mulls CFPB Fate:** The Consumer Financial Protection Bureau’s independence, designed by a Democratic-controlled Congress to insulate the agency from political pressure, now risks being its downfall. The Trump administration is set to argue to the U.S. Supreme Court on March 3 that the Constitution gives him much broader power to fire the CFPB director than is provided by the 2010 law that created the agency.
 - The case could mean a fundamental change for the CFPB, created as the brainchild of Sen. Elizabeth Warren (D-Mass.) after the 2008 financial crisis to regulate credit cards, auto loans and other consumer finance products. The justices could block the bureau from pursuing enforcement actions, put it more squarely under presidential control or even abolish the agency.
 - The ruling, due by late June, could affect other federal agencies, most immediately the Federal Housing Finance Agency, which regulates Fannie Mae and Freddie Mac. The Supreme Court has deferred acting on appeals in a multi-million-dollar lawsuit against that agency while it considers the CFPB clash.

- **China Tech Restrictions:** The White House is weighing two restrictions against exports of cutting-edge technology to China in a push aimed at limiting Chinese progress in developing its own passenger planes and clamping down further on tech giant Huawei’s access to vital semiconductors, four people familiar with the discussions said. Both moves come as some in the White House are pushing for more aggressive efforts to restrict China’s technological rise and to contain what they see as a potential national security threat s or rivals to U.S. innovation in the 21st century.
 - Meanwhile, the U.S. envoy to Germany said Trump instructed him to “make clear that any nation who chooses to use an untrustworthy 5G vendor” risks jeopardizing intelligence and information sharing with the U.S. Trump “just called” from Air Force One, where he’s on his way back to Washington from Florida, Richard Grenell said in his tweet on Sunday. The comment seemed specifically targeted at Huawei, although Grenell didn’t mention it by name.