

American Nephrology Nurses Association

Daily Capitol Hill Update – Wednesday, February 19, 2020

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- President Trump in California
 - 1:30pm: Trump participates in roundtable with supporters
 - 2:30pm: Trump speaks at fundraiser in Rancho Mirage
 - 5:30pm: Trump speaks on California water access to rural stakeholders in Bakersfield, Calif.
- 7:50pm: Trump arrives in Phoenix, Arizona for rally at 9pm ET, same time as Democratic debate
- Trump then returns to Las Vegas to stay overnight

CONGRESS

- House, Senate return next week

Congressional, Health Policy, and Political News

- **Sickle Cell to Be Pathway for Medicaid:** Federal health officials are doubling down on improving care for the rare blood disease called sickle cell in the next year, using it to pioneer new Medicaid programs to get expensive rare disease drugs to patients, a top HHS official said. Those programs will include different incentives to get patients the medications they need but aren't currently taking, Assistant Secretary Brett Giroir said yesterday.
 - With more companies ramping up production of "orphan drugs" – treatments for diseases that affect less than 200,000 people – the U.S. government needs a way of specializing care for rare diseases and ensure state programs offer those medications to patients. Sickle cell disease is the government's on-ramp, Giroir said.
 - The disease affects mostly black and Latino people and is the most prevalent genetic blood disorder in the U.S., according to the Centers for Medicare and Medicaid Services. Sickle cell disease is also poorly treated, and the novel medications approved in the last few months for it are expensive: one costs \$10,000 for 90 tablets, according to the drug price website GoodRx. Another novel sickle cell drug approved recently that reduces the disease's pain is over \$2,000 per vial.
- **Drugmaker Gets Partial Win in Price Fixing Suit:** Endo International investors didn't sufficiently allege that the company's generic drug price increases, which other pharmaceutical firms matched, were part of a price-fixing conspiracy, a Pennsylvania federal district judge said. The would-be class's other allegations about misleading price statements can go forward, Judge Michael M. Baylson of the U.S. District Court for the Eastern District of Pennsylvania said in an opinion partially dismissing the securities suit.

- Endo allegedly knew about its competitors' prices and priced its own medicines similarly, so a jury can infer a price-fixing conspiracy, the investors said. But the court "cannot agree" with that argument, according to the opinion. Although the investors saw parallel pricing, their complaint "makes no allegations about any traditional conspiracy evidence," Baylson said.
- **Roger Stone Sentencing Is Seen as Test of Judicial Independence:** Roger Stone's sentencing tomorrow is shaping up as a test of judicial independence after Trump inserted himself in the court's deliberations over the fate of his longtime confidant.
 - Partisans will look for signs that U.S. District Judge Amy Berman Jackson in Washington is either caving to pressure from Trump by giving Stone a sentence below the Justice Department's new and lower recommendation or standing up to him by hewing closer to the maximum prison term for lying to Congress and witness tampering, said Harry Sandick, a former federal prosecutor now in private practice.
- **Wealth Tax Blueprint for Next President:** Senate Finance Committee ranking member Ron Wyden (D-Ore.) has begun working on a bill that would expand capital gains taxes to impose a yearly tax on the unrealized investment gains of wealthier individuals. Democratic tax policy experts following Wyden's endeavor, known as "mark-to-market," see it as a table-setting exercise in case a Democratic presidential candidate – such as Sens. Elizabeth Warren (D-Mass.) or Bernie Sanders (I-Vt.), who have offered their own ideas for a wealth tax – wins the White House and if Democrats take the Senate in November.
 - Sanders would raise taxes on corporations by almost \$4 trillion, generating more revenue than any other Democratic presidential candidate's proposal, according to new estimates from the Tax Foundation.
- **Trump-Detested Trial Court Injunctions:** The Senate Judiciary Committee said yesterday that it will take up the issue of nationwide injunctions by federal trial courts. Opposed by the Trump administration, the practice has long been under fire for blocking initiatives by Republican and Democratic presidents alike. The committee led by Sen. Lindsey Graham (R-S.C.) will hear testimony on Feb. 25, though no witness list has been made public. Vice President Mike Pence and Attorney General Barr are among administration officials who have been vocal about the issue.
- **Lighthizer Pressed to Seek U.K. Deal:** A bipartisan group of senators, including Rob Portman (R-Ohio) and Chris Coons (D-Del.), urged U.S. Trade Representative Robert Lighthizer to prioritize a trade agreement with the U.K. after its departure from the European Union. A deal would reaffirm the longstanding alliance and demonstrate the vital role that trade agreements play in strengthening important strategic relationships, the senators said in the letter to Lighthizer. Portman and Coons are the co-chairs of Senate U.K. Trade Caucus.
- **Trump on Defense in Arizona:** Trump is on the defensive in Arizona, where he's set to rally voters today as an influx of new residents challenge the president's hold on the

Republican-dominated state. Arizona's expanding state economy and low unemployment should help Trump in a state he won by more than 3 percentage points in 2016, but there are significant warning signs for the president.

- Democrat Kyrsten Sinema beat Republican Martha McSally for an open U.S. Senate seat in 2018. This year, a popular Democrat is running ahead in polls for the state's other Senate seat, to which McSally was appointed, which could bolster turnout among party voters. A handful of polls in recent months have shown Trump running roughly even with Joe Biden and beating several other Democrats. Trump's decision to visit Phoenix on Wednesday shows his campaign is worried about Arizona becoming a swing state.
- **Bloomberg's Rivals Poised to Pounce in Debate:** Michael Bloomberg, whose rise in the polls has rattled the Democratic presidential field, will face rivals eager to take him on in person for the first time on a debate stage, injecting a new, untested candidate into what had become almost routine campaign events.
 - The former New York mayor has enjoyed a surge in polling numbers, coming in second, with 19% to Sanders' 31%, in an NPR/PBS NewsHour/Marist poll released yesterday. That poll was the final break to qualify him to join his Democratic rivals tonight night in Las Vegas for their ninth debate. It will be the first time for many voters to see Bloomberg live instead of in a television ad.
 - Bloomberg's campaign said the Democratic presidential primary contest has narrowed to a battle between him and Sanders, while a half-dozen contenders still remain. Campaign states director Dan Kanninen said yesterday that with the Biden campaign in trouble after poor showings in Iowa and New Hampshire, only Sanders and Bloomberg, the former mayor of New York, will have the resources and ability to compete effectively for delegates across the 14 states voting March 3 on Super Tuesday. Super Tuesday will be the first time Bloomberg will appear on a ballot.
- **Sanders Jumps to Commanding 32% Lead in California Poll:** Sanders has moved out to a commanding lead in California with 32% support among likely Democratic voters in the critical Super Tuesday state, according to a poll released yesterday by the Public Policy Institute of California. Biden, Warren, Bloomberg and former mayor Pete Buttigieg were all bunched within the poll's margin of error for the next slots, with Biden at 14%, Warren at 13%, and Bloomberg and Buttigieg each with 12%. No other candidate had more than 5% support in the poll by the Public Policy Institute of California, a nonpartisan California think tank.
 - Sanders has taken a commanding lead over the rest of the 2020 field nationally as Biden fell into a tie for distant second, according to a new NBC/Wall Street Journal poll released yesterday. Sanders is perched at the top of field with 27% of Democratic voters, unchanged from last month. But Biden's support is down 11 percentage points to 15%, putting him inside the poll's 4.8-point margin of error in a four-way race for second place.
- **Harry Reid Tells Candidates Hoping to Stop Sanders to 'Speak Up':** Harry Reid has a message for the Democratic candidates desperate to stop Bernie Sanders from winning the

nomination. “If you don’t like what Bernie’s doing, speak up.” With the Nevada caucus looming on Saturday, the retired Senate majority leader made clear that if the moderate hopefuls, and for that matter, Sen. Warren, want to stop the Vermont senator, they’ll have to stop shrinking from confrontation and go after him directly.

- **Trump Seeks to Counter Bloomberg Cash:** Meanwhile, the Trump re-election team and some of the GOP’s biggest fundraisers are discussing a new objective of raising an extra \$1 billion to compete with Bloomberg’s record spending, two bundlers who have been part of the discussions say. Bloomberg’s vow to spend as much as \$1 billion to defeat Trump, regardless of whether he wins the nomination, is spurring Republicans to seek ways to keep up, including getting conservative billionaires to make much larger donations to Trump-related super-PACs.
- **Tiffany, Zunker to Face Off in Wisconsin for Duffy’s House Seat:** Republican Tom Tiffany and Democrat Tricia Zunker will go head to head in May 12 election for Wisconsin’s 7th congressional district after primary wins last night. Tiffany beat Jason Church in Republican primary 56.8% to 43.2% with 72% of precincts reporting, according to AP data. In the Democratic primary, Zunker beat Lawrence Dale 88.6% to 11.4%, with 72% of precincts reporting.
- **Barr Targets Google, Facebook Legal Shield:** Attorney General Barr is taking aim at a legal shield enjoyed by companies such as Google and Facebook as the provision comes under increasing fire from both liberals and conservatives. Barr has accused social media companies of hiding behind a clause that gives them immunity from lawsuits while their platforms carry material that promotes illicit and immoral conduct and suppresses conservative opinions.
 - The attorney general is convening a workshop today, featuring many of the tech companies’ critics, to explore potential changes to Section 230 of the Communications Decency Act, which was passed in 1996 and has been credited with allowing the then-fledgling internet to flourish. Barr could instruct his Justice Department to explore ways to limit the provision, which protects online companies from liability for user-generated content.
- **Pompeo Seeks to Assure U.S. Partners in Africa:** Secretary of State Michael Pompeo sought to reassure African allies that the U.S. is committed to fighting the spread of Islamist militants even as the Trump administration weighs cutting troops stationed across the continent. Security concerns have been a key focus of Pompeo’s trip this week to Senegal, Angola and Ethiopia, his first visit to the continent as secretary of state. He acknowledged that a troop review is under way but said the U.S. would work with partners and explain its decision – comments that suggested the U.S. is indeed planning a pullback.
 - “We’ll make sure that we get it right,” Pompeo said in response to a question during a briefing with Ethiopian Foreign Minister Gedu Andargachew in Addis Ababa yesterday. “I’m confident that we can get the right force posture, the right risk for

the United States, and still deliver on peace and security that is important for the region.”

- Pompeo also defended the travel restrictions during a stop in Angola, arguing it was a security matter that “in no way conflicts with America’s deep desire to increase our contact.”
- **Nuclear Missile Upgrade Could Deliver \$13 Billion to Northrop:** Northrop Grumman will receive as much as \$13 billion in research spending through 2025 as the sole contractor on the Air Force’s replacement program for the aging Minuteman III intercontinental ballistic missile. The Air Force’s \$1.5 billion request for the fiscal year starting Oct. 1 is up from \$500 million this year, according to budget documents. The request grows to \$2.5 billion in 2022 and \$3 billion in 2023, staying at that level through 2025, after which \$7.3 billion is estimated to be needed to complete the research phase.
 - The ICBM program’s roughly \$61 billion procurement phase starts in 2026, according to the service. The missile upgrade program is just one part of a trillion-dollar effort to modernize the U.S.’s sea-air-land nuclear triad over the next 30 years, including maintenance and support.
- **Trump Raises Doubts of India Deal:** Trump cast doubts over the likelihood of an anticipated trade deal with India yesterday, days before a scheduled visit to the country. “Well, we can have a trade deal with India, but I’m really saving the big deal for later on,” Trump said yesterday. Trump last year kicked India out of a program for developing nations giving some Indian exports tariff-free access to the U.S. market. Officials on both sides since then have been trying to reach an accord to open up India to U.S. exports of agricultural products and medical devices in return for a restoration of India’s preferential status.
- **Huawei Fails to Overturn Contracts Ban:** Huawei failed to convince a federal court in Texas that the U.S.’s decision to ban it from federal contracting awards constituted an unconstitutional bill of attainder, a ruling said. The U.S. Supreme Court has only struck down five laws as unconstitutional bills of attainder, also known as “legislative punishments without trial,” since 1789. The ban in section 889 of the National Defense Authorization Act of 2019 doesn’t punish Huawei based on infamy and disloyalty, Judge Amos Mazzant of the U. S. District Court for the Eastern District of Texas said.
- **Trump Rape Accuser Slams Effort to Stall Case:** A New York advice columnist who says Trump raped her two decades ago asked a judge to deny his request to put her defamation lawsuit on hold until a related lawsuit is resolved – which might not happen until after the November election. E. Jean Carroll, who in June went public with her claims, said in a court filing yesterday that Trump is using questionable delay tactics to avoid her requests for a DNA sample that she says could help her case. “Nothing in Trump’s extensive history of personal litigation during his presidency supports his bald assertion that discovery into whether he lied about raping Carroll will harm the national interest,” Carroll’s lawyer said in a filing.

