

American Nephrology Nurses Association

Daily Capitol Hill Update - Friday, February 21, 2020

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- 3pm: President Trump holds political rally in Las Vegas
- 4:50pm: Trump departs Nevada
- 9:10pm: Trump arrives at White House
 - Trump's potential nominee for director of national intelligence, Representative Doug Collins, said he would turn down the position to focus on the Georgia senate race

CONGRESS

- 11am: House meets in pro forma session
- Senate out
 - Both chambers return next week

Congressional, Health Policy, and Political News

- **Anti-Vaping Bills Teed Up for House Action:** A pair of bills meant to curb youth use of vaping devices, including one to tax e-cigarettes the same as traditional tobacco products, will be scheduled for a House floor vote as early as next week, two people briefed on the plans said. The legislation has divided Democrats over the inclusion of a ban on menthol cigarettes. House leaders are working to bring the legislation to the House floor soon, according to a senior Democratic aide.
 - The measures (H.R. 2339, H.R. 4742) are likely to be combined into a joint package that together would assess on tobacco alternatives an excise tax equivalent to the \$1.01 federal levy per pack. The package also would ban some popular flavored tobacco products, such as mint and menthol, according to an industry representative briefed on the plan. It would also require graphic health warnings on cigarette packs and advertising as well as other measures meant to reduce use of traditional cigarettes.
- **Abortion Bills Teed Up:** The Senate has teed up procedural votes on two abortion-related bills. One (S. 3275) would ban abortion beginning at 20 weeks, except for rape or incest or to save the mother's life. Medical professionals who violate the ban could be fined and imprisoned for as long as five years. Women couldn't be prosecuted for having an abortion in violation of the ban.
 - The other measure (S. 311) would require doctors to provide medical care to a child that survives an abortion procedure. They could be criminally charged and subject to civil liability if they don't. The bill would also bar the prosecution of a woman who underwent the procedure.

- **Lawmaker Letters**
 - House Foreign Affairs Asia Subcommittee Chairman Ami Bera (D-Calif.) announced yesterday that his panel will hold a second hearing on the coronavirus outbreak. Witnesses will include U.S. government officials who have led the response to the outbreak, he said in a statement, saying it will be an opportunity for the public to “hear directly from the Administration on the steps they are taking to keep our people safe” and for Congress to “provide oversight on the Administration’s response.” Read the statement here, and read a recap of Bera’s first coronavirus hearing held Feb. 5 here. Read more developments on the outbreak below.
 - Senate Health, Education, Labor and Pensions Committee ranking member Patty Murray (D-Wash.) and 10 other Senate Democrats wrote a letter to HHS Secretary Alex Azar seeking “clarification” on recent remarks he made on a radio program regarding the FDA’s review of vaping products. Azar “hinted” that the White House “could create a big loophole for tobacco companies by saying that ‘not all vaping products’ are required to apply for premarket approval from FDA by May,” according to the letter, pointing to a 2019 federal court decision “requiring such applications for all new tobacco products,” according to a statement. Read the letter here.
 - House Oversight and Reform Civil Rights and Civil Liberties Subcommittee Chairman Jamie Raskin (D-Md.) and Congressional Asian Pacific American Caucus Chairwoman Judy Chu (D-Calif.) sent letters to the National Institutes of Health and FBI requesting information related to reports that the institutions “are targeting Chinese-American scientists as potential spies,” according to a statement. They acknowledged legitimate cases of espionage, but said many “innocent people are being swept up in this initiative” as well. Read the letter to the FBI here and to the NIH here.

- **Coronavirus Drug-Trial Results Expected:** Preliminary results from two clinical trials of treatments prioritized by the World Health Organization are expected in three weeks, Director-General Tedros Adhanom Ghebreyesus said yesterday. One of the trials is for a pill that combines anti-retroviral drugs lopinavir and ritonavir, a brand-name combination of which is sold by AbbVie. The second trial is testing the experimental injected medicine remdesivir, which is being developed by Gilead Sciences. The trials are being run in China, where officials are seeking methods of treating patients infected with COVID-19, the formal name of the virus, using existing and experimental therapies.
 - Also yesterday, Tedros urged countries to boost funding to fight the spread of the virus, saying the response to WHO’s call for \$675 million has been limited. “This is the time to attack the virus while it is manageable,” he said. Tedros said he’s surprised that donations have been low and that countries aren’t treating the outbreak seriously enough. “The virus is very dangerous, and it’s public enemy No. 1.”
 - Meanwhile, the CDC said yesterday this season’s flu vaccine was particularly well-suited for children, preventing many of the most severe infections. The shot overall prevented about 45% of infections during the current outbreak, the Centers for Disease Control and Prevention wrote in a report. The 2019-2020 season started earlier than normal and appears to be lingering longer, after a second strain of the virus began circulating later in the season.

- And, officials from the State Department and CDC are disagreeing over how to handle 14 people from a cruise ship who tested positive for the COVID-19 virus while in the process of being repatriated to the U.S., according to The Washington Post. According to the report, CDC officials wanted to wait and have the people who had tested positive for the virus travel separately from 300 people being sent back to the U.S. after a long stint on a ship where the virus broke out. State Department officials pushed for them to be included.
- The coronavirus outbreak accelerated outside China, with South Korea reporting a surge in infections. China adjusted the number of cases for the third time this month, raising more questions over the reliability of the data. Infections in China topped 75,000. South Korea reported 48 more cases, taking the total number to 204. Neighboring Japan is also seeing cases in several unconnected areas. The spread outside China continued to roil markets and stocks fell globally.
- **Changes to Biologics Regulation:** Drug companies will have more clarity over how the FDA regulates their products following an agency rule that revises the definition of certain complex and expensive drugs. The agency, in a rule set to publish today in the Federal Register, squares its regulatory definition for those drugs, or biologics, with the definition Congress agreed to in a spending deal in December 2019.
 - The rule is aimed at setting the framework for a new requirement that's set to take effect on March 23, under which companies seeking to bring certain drug products to market will have to submit an application for a biologic instead of for a simpler drug. The upcoming change reflects the agency's effort to remove regulatory hurdles to creating cheaper versions of insulin and other therapies. Insulin is one of about 90 products that will shift to the biologics system in March.
- **Mississippi Six-Week Abortion Ban Struck Down:** A Mississippi law that bans abortions after a fetal heartbeat has been detected, which generally occurs at about six weeks of pregnancy, is unconstitutional, the U.S. Court of Appeals for the Fifth Circuit said. The fact that a fetal heartbeat can be detected at some point before viability doomed the law, the court said in an unsigned opinion. The U.S. Supreme Court has said a woman has a constitutional right to terminate a pregnancy at any time before a fetus would be able to live outside the womb.
 - The court referenced an earlier decision, in which it invalidated the state's ban on abortions that take place beyond 15 weeks after a woman's last menstrual period. "If a ban on abortion after 15 weeks is unconstitutional, then it follows that a ban on abortion at an earlier stage of pregnancy is also unconstitutional," the court said.
 - Meanwhile, in a separate Ohio case, a disability rights coalition said a state ban on abortions performed due to a fetal diagnosis of Down syndrome is disrespectful to people with disabilities, contrary to values of reproductive autonomy, and doesn't help people with Down syndrome. The Disability Rights Education and Defense Fund, the World Institute on Disability, and several other disability rights advocates told the U.S. Court of Appeals for the Sixth Circuit that they back an abortion provider's challenge to the law.
- **U.S. Plans to Sign Peace Agreement With Taliban on Feb. 29:** The U.S. plans to sign a peace agreement with the Taliban on Feb. 29, after negotiators in Doha reached an understanding on a reduction in violence in what's become America's longest-running war.

U.S. negotiators “have come to an understanding with the Taliban on a significant and nationwide reduction in violence across Afghanistan,” Secretary of State Mike Pompeo said in a statement. If successful, the deal will be signed in Qatar next week. Once the signing occurs, dialogue will start between the Afghanistan government and the Taliban, the department said in a statement.

- **Lawmakers Push Pompeo on Syria Crisis:** The leaders of the House Foreign Affairs Committee urged Pompeo to do more about the humanitarian crisis in Syria, as the Russia-backed Assad regime conducts an offensive that’s fueling a new wave of displaced persons. “Russia has repeatedly bombed hospitals and attacked medical workers in Syria for years, in violation of international norms,” wrote Chairman Eliot Engel (D-N.Y.) and ranking member Michael McCaul (R-Texas). “Russia’s seat on the Security Council should not give them a license to murder civilians.”
 - The two lawmakers cited the recent U.S. troop withdrawal in northeastern Syria as contributing to the crisis. “An abrupt withdrawal of United States military personnel is beneficial to adversaries of the United States government, including Syria, Iran, and Russia,” they wrote.
- **Russia Denies Charges It’s Meddling in Presidential Vote:** Kremlin spokesman Dmitry Peskov said on a conference call Friday that U.S. allegations that Russia is meddling in the presidential election campaign now under way are “paranoid” and “have nothing in common with the truth.”
- **Coast Guard Warns Mission ‘Unsustainable’:** Increasing demands for defense missions, shipping support, and operations in the Arctic are stretching the Coast Guard’s funding, Commandant Admiral Karl Schultz said. The guard is left “on an unsustainable path to support our growing operational requirements,” he said, because “many of our defense contributions” aren’t funded by the Department of Defense. The service faces mounting Great Power challenges from China and Russia and in the polar regions, while struggling with inadequate funds for key technology, personnel, and facilities, he said.
- **Virginia-Class Sub Tops Wish List:** Funding for a second Virginia-class fast-attack submarine for fiscal 2021 is the Navy’s first unfunded priority, according to Rep. Joe Courtney (D-Conn.), a member of the House Armed Services panel with jurisdiction over naval shipbuilding. The Navy sends its unfunded priorities requests to congressional defense panels, spotlighting programs and weapons systems that are said to be important but weren’t in the officially submitted budget request.
- **Iran Votes With Hard-Liners:** Iranian hard-liners looked set to take control of parliament today in an election dominated by the country’s turbulent standoff with the United States. Conservative factions fiercely loyal to Supreme Leader Ayatollah Ali Khamenei and generally opposed to engaging with the West are widely expected to prevail after hundreds of more moderate politicians were disqualified from standing. The military exchanges and highly charged rhetoric that have characterized the confrontation with Washington, meanwhile, have energized Khamenei’s base.

- **Racial Profiling of Chinese Scientists:** Allegations that federal investigators are targeting Chinese-American scientists in a campaign to halt intellectual property theft has prompted a House panel to launch a probe of its own. Oversight and Reform Civil Rights Subcommittee Chairman Jamie Raskin (D-Md.) and Congressional Asian Pacific American Caucus Chairwoman Judy Chu (D-Calif.) released letters to the FBI and National Institutes of Health indicating they are investigating potential racial profiling. The move follows high-profile cases involving researchers backed by U.S. tax dollars, who failed to disclose ties to foreign governments.
- **Trump, RNC Raised \$33.6M Last Month:** President Donald Trump and the Republican National Committee reported raising a combined \$33.6 million in January, according to the Federal Election Commission, part of a \$60.5 million haul that's keeping the president well ahead of the fundraising pace of previous incumbents. Trump raised \$6.4 million and the RNC took in \$27.2 million. The total doesn't include funds raised by two joint fundraising committees which file reports with the FEC quarterly. Trump's re-election effort ended last month with over \$200 million in the bank, the RNC and the campaign announced.
 - Meanwhile, Sen. Bernie Sanders (I-Vt.) ended January with \$16.8 million in the bank after a \$25 million haul that marked his best month for fundraising, his latest filing with the FEC showed. The strong fundraising has allowed Sanders to look beyond both Nevada and the next contest, the South Carolina primary. On Feb. 6, his campaign announced it was adding staffers and launching seven-figure ad buys in 10 states that vote in March.
 - New Polls:
 - Biden at 24%, Sanders at 19%, Steyer at 15% in S.C. Winthrop Poll
 - Sanders at 22%, Bloomberg at 17%, Biden at 14% in Illinois Poll
- **Trump Ads Will Take Over YouTube's Homepage on Election Day:** In the immediate run up to the U.S. presidential election and on Election Day, the homepage of YouTube is set to advertise just one candidate: Trump. The president's re-election campaign purchased the coveted advertising space atop the country's most-visited video website for early November, said two people with knowledge of the transaction. The deal ensures Trump will be featured prominently in the key days when voters across the country prepare to head to the polls Nov. 3.
- **Warren Defends Super PAC:** Sen. Elizabeth Warren (D-Mass.), a long critic of super PACs, didn't disavow the newly formed super PAC backing her bid even though she has long said she would only rely on small donors to fund her campaign. She said that if all the men in the presidential race have a super PAC or are billionaires, she and Sen. Amy Klobuchar (D-Minn.) shouldn't be the only two without. "If all the candidates want to get rid of Super PACs, count me in," Warren said yesterday. "It can't be the case that a bunch of people keep them and only one or two don't."
- **Warren Again Asks Bloomberg to End NDAs:** Warren yesterday again challenged Michael Bloomberg to release former employees from nondisclosure agreements, saying she had

even drawn up a legal document for him to sign. “So, I used to teach contract law and I thought I would make this easy. All Mayor Bloomberg has to do is download it. I’ll text it. Sign it,” Warren said. “And then the women or men will be free to speak, and tell their own stories.”

- **Gunmakers’ Liability for Shootings:** Former Vice President Joe Biden said he would send legislation to Congress on his first day in office that would seek to remove a shield that gives gunmakers protection from being liable for shootings. Mass shootings in the U.S. will not stop until “we ban killer assault weapons,” and until “we hold gun manufacturers liable,” Biden said at an event in Las Vegas. A gunman in 2017 killed 58 people on the Las Vegas Strip, the deadliest mass shooting by an individual in U.S. history.
- **Fracking Ban Puts Vulnerable Democrats on Defense:** House Democrats from districts reliant on oil and gas production are distancing themselves from a new bill to ban fracking even though the measure is unlikely to gain any traction in Congress. The bill (H.R. 5857) would end the use of fracking, or hydraulic fracturing, a method for removing oil and gas from shale, by 2025.
 - The measure sponsored by Rep. Alexandria Ocasio-Cortez (D-N.Y.), is a counterpart to legislation (S. 3247) introduced by Sanders. The National Republican Congressional Committee already is attempting to tie Sanders’ sponsorship of the proposed ban to vulnerable Democrats, such as Rep. Conor Lamb (D-Pa.), who represent districts where fracking is a big job generator and the president is popular.
- **Global Law Firm Taps Frelinghuysen:** Global law firm Greenberg Traurig has hired former Rep. Rodney Frelinghuysen (R-N.J.) to be senior director of government law and policy at its Washington office. Frelinghuysen served in the House from 1995 to 2019, and was chairman of the House Appropriations Committee. “Chairman Frelinghuysen has been an effective and well-respected leader at all levels of government, and his experience and reputation make him an excellent fit for our team,” the firm’s co-president, Ernest L. Greer, said in a statement.
- **Trump Says He’s Considering Georgia’s Doug Collins as Spy Chief:** Trump said that he was considering Rep. Doug Collins (R-Ga.) as his formal nominee for director of national intelligence. Trump made the announcement during a flight to Las Vegas after a rally in Colorado Springs last night. The president has been on a tour of Western U.S. states for much of this week. Naming Collins to the post could simplify a Senate special election in Georgia, where the congressman has challenged Sen. Kelly Loeffler, who was appointed to the seat.
- **Trump Stews Over McCabe:** Trump was surprised and angered by the Justice Department’s decision not to charge Andrew McCabe with crimes, but he’s also wary of acting against the former deputy FBI director out of concern he might push Attorney General William Barr to resign, according to people familiar with the matter. The Justice Department gave the White House no advance notice of its decision on McCabe, meaning

Trump found out along with the public when it was announced on Tuesday, three of the people said.

- That created fresh point of potential tension between Trump and Barr, who has publicly criticized Trump's tweets about criminal cases DOJ is pursuing and has privately told associates he may quit. The president is considering his options to respond to the Justice Department's non-prosecution decision on McCabe, but it isn't clear he can do anything, the people said. He is aware he should proceed delicately, given Barr's position, they said.
- **California Sues Trump Over Water Plans:** California is fighting back against the president and his administration's plans to change how water is distributed in the Golden State. Attorney General Xavier Becerra yesterday filed a lawsuit in U.S. District Court of Northern California saying that the Bureau of Reclamation adopted management plans that are inadequate and don't protect imperiled species like salmon, smelt, and sturgeon.
- **Anti-Lynching Legislation Vote:** House Majority Leader Steny Hoyer (D-Md.) announced the chamber will vote Feb. 26 on H.R. 35, a measure introduced by Rep. Bobby Rush (D-Ill.) to designate lynching as a hate crime under federal law. "This legislation is long overdue, but it is never too late to do the right thing and address these gruesome, racially motivated acts of terror that have plagued our nation's history," Hoyer said in a statement yesterday.