

# American Nephrology Nurses Association

Daily Capitol Hill Update – Wednesday, February 26, 2020

(The following information comes from Bloomberg Government Website)

## Schedules: White House and Congress

### WHITE HOUSE

- Trump returns to Washington from India, has no public events scheduled
- Trump tweets Wednesday morning on coronavirus “briefing this afternoon”

### CONGRESS

- Senate meets at 9:30am
- House meets at 10am; first votes expected 1:30pm; set to consider eight bills relating to natural resources including H.R. 1492 on Yucca Mountain monument expansion

## Congressional, Health Policy, and Political News

- **Surprise Billing Plans Vary on Doctor Payments:** Lawmakers are negotiating legislation to end surprise medical bills, which can arise when a patient unexpectedly receives out-of-network care in an emergency or from an ancillary provider they didn’t choose. Out-of-network services are usually more expensive for patients than in-network care – for example, they can have higher coinsurance rates or may not be covered by insurance at all. They can also lead to balance billing, where the patient is charged the difference between what the provider bills and what the insurance plan covers, even if it exceeds the patient’s cost-sharing responsibility. Plans typically prohibit balance billing for in-network services but not for out-of-network services. Multiple congressional committee have been working on proposals to address surprise billing.
- **HHS Says ACA Brokers Getting Commissions:** More health insurance brokers are again getting paid commissions for selling Obamacare plans, a HHS official said. Such commissions were “one of the first things that went away” under the Affordable Care Act, Randy Pate, head of the Center for Consumer Information and Insurance Oversight, said today in Washington. “We’re starting to see those come back” as more insurers return to ACA markets and competition increases, he said. Read more from Sara Hansard.
- **Trump’s Plea to Shrug Off Virus Fear Ignored by Markets:** Trump and his top advisers want global markets and the American public to believe that the coronavirus poses little risk to the U.S. But the U.S. Centers for Disease Control and Prevention is saying just the opposite -- warning yesterday that the virus’s spread in America is inevitable and could bring significant disruption to the world’s largest economy. So far, the markets are siding with the CDC’s experts. U.S. stocks hit a 12-week low following the CDC warning, with losses on the S&P 500 totaling 7.6% over four days.
  - Meanwhile, mixed messages from top U.S. officials yesterday illustrated the balance that Trump and his advisers are trying to strike: Demonstrating that they have

- control over the situation while avoiding any move that spurs a panic and subsequent stock market sell-off as the re-election campaign heats up. Trump will arrive in Washington early this morning with growing questions about the administration's handling of the coronavirus. His Health and Human Services secretary, Alex Azar, will face a second day of scrutiny over the government's response during House hearings today on his agency's budget.
- The Democratic presidential candidates last night tore into Trump's response to the epidemic, saying that a failure to take action has fed public fear and the plunge in stock markets. "The stock market's falling apart because people are really worried -- and they should be," Bloomberg said when asked about the coronavirus during the debate. "We don't have anybody to respond." Klobuchar, Biden and Bloomberg all said Trump has sought to cut funding to the Centers for Disease Control and Prevention, and Klobuchar said that the president "hasn't really addressed the nation on this topic."
  - Italy reported 19 more coronavirus cases from the Lombardy region, Iran confirmed 44 additional infections, while 700 people are still confined in a hotel in Tenerife. The CDC warned Americans to prepare for a potential outbreak at home.
- **Armed Services Panel Heads Warn DOD Over Wall:** The Pentagon risks losing its ability to shift funds in order to have some budgetary flexibility as a result of shifting \$3.8 billion from mostly weapons systems programs to pay for Trump's border wall, the Democratic and Republican leaders on the House Armed Services Committee said. The warning from Chairman Adam Smith (D-Wash.) and ranking member Mac Thornberry (R-Texas) came in a letter denying the "reprogramming request" that informed the congressional defense panels DOD will take \$3.8 billion from programs including shipbuilding, Lockheed Martin F-35 jets and C-130 transport aircraft and Boeing-TeXtron V-22 Ospreys. The denials are in large part a formality because the Pentagon has the ability to move those funds without congressional approval and has already done so.
    - Defense Secretary Mark Esper will face the lawmakers at a House Armed Services Committee hearing today on the Pentagon's fiscal 2021 budget request. In prepared remarks, Esper called on Congress to support "tough decisions" needed for the Pentagon to hold spending virtually flat in the coming year while seeking to make U.S. forces better able to confront China and Russia.
    - The Pentagon's five-year nuclear weapons plan calls for requesting at least \$167 billion through 2025 -- building from the \$29 billion sought for next year to \$38 billion, according to previously undisclosed figures. The commitment includes research, development, procurement, sustainment and operations. Democrats have been generally supportive of increased nuclear weapons spending, but Esper is likely to be questioned about the size and scope of the five-year plan today.
- **Senate Rejects Abortion Bills on Back-to-Back Partisan Votes:** The Senate yesterday rejected two measures to set new rules on abortion procedures, with lawmakers mostly voting on party lines to bottle up the bills. Lawmakers rejected on a vote of 53 to 44 a bill Senate Majority Leader Mitch McConnell (R-Ky.) brought up to ban abortions after 20 weeks in most instances.

- Joining most Democrats to squash the bill were Sens. Susan Collins (R-Maine) and Lisa Murkowski (R-Alaska). But their votes were offset by those of Sens. Joe Manchin (D-W.Va.) and Bob Casey (D-Pa.), who crossed over to vote in favor of greater restrictions.
  - Also rejected on a mostly partisan vote was a related bill to require medical care for fetuses that survive abortions. The measure was rejected on a vote of 56 to 41. McConnell drew the votes of Casey, Manchin, and Sen. Doug Jones (D-Ala.) along with Republicans' votes but still fell far short of the 60 votes needed to invoke cloture and expedite debate on the measures.
  
- **Two Judicial Nominees Confirmed:** The Senate easily confirmed two judicial nominees to courts in U.S. territories, a rare show of bipartisanship in Trump's judiciary appointment efforts. Silvia Carreno-Coll and Robert Anthony Molloy, both confirmed unanimously by the Republican-led chamber, will fill seats on district courts in Puerto Rico and the Virgin Islands, respectively. Carreno-Coll fills the last vacancy on Puerto Rico's seven-seat federal district court. Malloy replaces one of two federal judges in the Virgin Islands, who serve in 10-year terms.
  
- **Trump No. 2 Interior Pick Confirmed:** Katharine MacGregor, Trump's nominee for deputy Interior Department secretary, was confirmed 58-38 by the Senate yesterday. All 53 Republicans voted to confirm her, and four Democrats and one independent joined them. MacGregor was first nominated last fall for the No. 2 Department of the Interior position, and her nomination easily advanced the Senate Energy and Natural Resources Committee last November.
  
- **Senators Grapple With Nationwide Injunctions:** Senators of both sides of the aisle wrestled with the question of establishing judicial guidelines for imposing nationwide injunctions and weighed suggestions that the Supreme Court could be best suited to address the issue first. "I don't know how to fix it, whether we need legislation or the courts can find a way to correct this problem," Judiciary Chairman Lindsey Graham (R-S.C.) said at a hearing yesterday on the controversy. "But somebody needs to fix it because I don't think you can run the country this way."
  - Nationwide injunctions have riled the Trump administration and conservative allies frustrated with individual judges halting the president's policies, ranging from the travel ban to more recent litigation over immigrant wealth tests. U.S. Supreme Court justices Clarence Thomas and Neil Gorsuch believe the actions are destructive and argue the court should take up the issue.
  
- **Sanders, Bloomberg Draw Fire at Debate:** Democrats running for president ripped into two of their own in the last debate before Super Tuesday, saying that nominating either front-runner Sen. Bernie Sanders (I-Vt.) or the best-funded candidate Michael Bloomberg would all but guarantee Trump's re-election. It's a grim prescription for a party that still can't believe it lost to Trump last time, but one that seemed all too real to the Democrats on stage.

- Yet none of the other five contenders in Charleston, S.C, had the kind of breakout moment that suggested they were prepared to grab the nomination, or emerge from the pack to dislodge Sanders as the front-runner. The debate showed the extent to which the campaign is becoming a two-person race heading into Super Tuesday March 3, with Sanders showing signs of pulling away from the pack and Bloomberg becoming the latest moderate to try to stop him, after three others before him failed.
  - Joe Biden is likely to get a boost from an expected win in South Carolina on Saturday, but has dropped in the polls as other candidates have come to match his advantage in name recognition, organization and fundraising. Sen. Elizabeth Warren (D-Mass.) went on the offensive for a second debate but has struggled to turn those strong performances into primary wins. Pete Buttigieg and Sen. Amy Klobuchar (D-Minn.) both lack the funding to compete effectively in the sprawling 14-state Super Tuesday contest.
  - In a two-hour face-off marked by cross-talk, shouting and long-winded answers, the Democrats argued over authoritarian leaders, age, socialism and who is best suited to beat Trump in November.
  - Health care, foreign policy and Trump emerged as major debate themes, while topics like education, criminal justice and guns received relatively little attention.
  
- **Suit Says Sanders Can't Be on Ballot:** Two Democrats are trying to get Sanders thrown off the Florida Democratic primary ballot because he is not a Democrat. In a long-shot lawsuit filed Monday in Leon Circuit Court, registered Democrats Frank Bach and George Brown argue that allowing Sanders to participate in the March 17 race amounts to “unlawful participation as an independent interloping improperly” and will dilute their votes for Democrats.
  
- **U.S. Delays Economic-Data Lockup Changes:** The Labor Department delayed next week’s deadline for removing devices from a secure room where reporters get pre-release access to major economic reports. The delay was in response to the concerns raised by a coalition of media organizations that the department’s proposal would limit the wide distribution of key economic data to the general public. The change, originally scheduled for March 1, will now occur “no sooner” than March 9, Bureau of Labor Statistics Commissioner William Beach said in a letter to news media yesterday.
  
- **IRS Focused on Compliance at Expense of Revenue, GAO Says:** The IRS and Treasury Department have been attentive to the impact of their 2017 tax law regulations on companies’ compliance burdens, but they haven’t focused as closely on how the rules affect revenue collection, according to a new government watchdog report. For instance, decisions as to which kinds of service businesses would be eligible for the law’s 20% write-off for pass-through businesses – such as partnerships and LLCs – above certain income levels overlooked the effect on revenues, according to the study made public on Tuesday by the Government Accountability Office.

- **Trump's Mideast Envoy Joins Israeli Fund:** Former U.S. Middle East peace envoy Jason Greenblatt is joining OurCrowd, an Israeli crowdfunding and venture investment company, to build business ties with Arab countries -- including ones that don't have official relations with Israel. After spending nearly three years helping to develop Trump's Israeli-Palestinian peace plan, Greenblatt stepped down from his White House position three months before its January release. His new job will leverage ties made in that position.