

# American Nephrology Nurses Association

Daily Capitol Hill Update – Thursday, March 26, 2020

(The following information comes from Bloomberg Government Website)

## Schedules: White House and Congress

### WHITE HOUSE

- 8am: President Trump participates in G20 leaders videoconference
- 5pm: Coronavirus task force press briefing
- CDC will be releasing guidance on how to utilize national parks during the coronavirus outbreak, VP Mike Pence said yesterday

### CONGRESS

- Senate returns April 20
- House to meet Friday morning to consider Senate-passed stimulus measure, House Majority Leader Steny Hoyer has said

## Congressional, Health Policy, and Political News

- **Senate Sends Rescue Plan to House:** The Senate approved a historic \$2 trillion rescue plan to respond to the economic and health crisis caused by the coronavirus pandemic, putting pressure on the Democratic-led House to pass the bill quickly and send it to President Donald Trump for his signature.
  - The legislation passed on a 96-0 vote just before midnight Wednesday after days of intense negotiations between Senate Republicans and Democrats, who demanded changes to the bill introduced last week by Senate Majority Leader Mitch McConnell (R-Ky.).
  - The package includes an unprecedented injection of loans, tax breaks and direct payments for major corporations and individual taxpayers to help the U.S. economy get through an abrupt shutdown as people avoid social interaction and businesses close to keep from spreading the coronavirus. More than 69,000 people in the U.S. have been infected with the deadly respiratory disease, and some economists warn that unemployment could hit 30%.
  - The House is scheduled to vote on the legislation tomorrow. Trump urged Congress to act “without delay” and said he would sign the legislation immediately.
  - The package provides about \$500 billion in loans and assistance for big companies, including struggling airlines, as well as states and cities. There is a separate pot of about \$350 billion for small businesses. For individuals the package provides direct payments to lower- and middle-income Americans of \$1,200 for each adult and \$500 for each child. Unemployment insurance would be vastly expanded. There also is money for hospitals, some of which are on the verge of being overwhelmed.

- **Democrats Win Stimulus Oversight:** Democratic lawmakers scored a key political victory in the bill by securing independent oversight of some \$500 billion for distressed businesses, but the extra scrutiny may slow the flow of cash. The original proposal from McConnell would have given Treasury Secretary Steven Mnuchin nearly unchecked authority over the money. “I’ll be the oversight,” Trump said Tuesday, a statement met with mockery by Democrats.
  - Instead, Senate Republicans agreed to largely adopt a proposal from Speaker Nancy Pelosi (D-Calif.) for both an independent inspector general to monitor the flow of money and a five-member panel appointed by Congress to oversee the program. But implementation of the oversight is causing concern, particularly because Mnuchin’s department is already understaffed.
- **Medicare Costs Amid Covid-19:** A new analysis from the National Association of ACOs (NAACOS) estimates the ongoing Covid-19 pandemic could cost Medicare between \$38.5 billion and \$115.4 billion over the next year, Alex Ruoff reports. The final number will depend on factors such as severity of the disease and hospitalization rates.
  - The analysis, some of the first to be developed on the subject, shows the pandemic will place a hardship on health-care organizations that participate in payment models, like ACOs, that hold providers accountable for patients’ health-care spending. More ACOs today are being held at risk, meaning they face penalties if spending rises above pre-set spending targets. A similar burden will be placed on Medicare Advantage plans.
- **Medicaid Proposal Withdrawn:** Health-care advocates are welcoming the Trump administration’s withdrawal of a proposed Medicaid rule that could have left some people without health-care coverage during the growing coronavirus crisis. The proposed rule was expected to require state Medicaid programs to crack down on ineligible program beneficiaries.
- **Split Decision on ‘Observation Status’:** Medicare patients who were admitted to a hospital and then changed to “observation status” after a utilization review must be given an opportunity to challenge their reclassification, a federal court in Connecticut said. HHS Secretary Alex Azar must establish a procedure for the Medicare patients to protest hospitals’ decisions, the U.S. District Court for the District of Connecticut ruled.
  - The long-running class action suit involves a dispute over Medicare’s obligation to pay for hospitalizations and long-term care for elderly patients. The outcome will affect how much money Medicare beneficiaries must pay out-of-pocket for their care. Medicare Part A, free for most beneficiaries, pays for hospitalizations for admitted patients, but it doesn’t pay for those deemed to be on observation status.
- **Governors Say Stimulus Deal Falls Short:** The biggest federal stimulus program in history doesn’t go far enough for state and localities facing unprecedented financial pressure brought on by the coronavirus pandemic, according to U.S. governors whose states have been hardest hit by the crisis. The bill sets aside nearly \$275 billion in emergency funds for state and local governments including \$100 billion for hospitals, \$45 billion in disaster relief

funds, and \$25 billion for transit systems, according to the Senate Appropriations Committee. There is also an expected \$150 billion virus fund for states.

- “We still need more federal resources directly to the states that are on the front lines of this crisis,” Maryland Gov. Larry Hogan (R), who chairs the National Governors Association, said at a press conference yesterday. “We’re gonna come back and ask for additional funding for the states and local governments to help with this crisis in the next round of stimulus.”
- **Kudlow Says Jobless Claims to Show a Big Increase:** White House chief economic adviser Larry Kudlow said a government report due today will show a “very large increase” in the number of Americans filing for unemployment benefits, without giving a specific number. “I’m not at liberty to say” whether the number is in the millions, Kudlow said yesterday in an interview with Fox News Channel. “But it’s going to be a very big increase -- everybody in the market knows that.”
  - The median estimate of economists surveyed shows initial jobless claims surged to a record 1.6 million last week, with projections running as high as 4 million, amid widespread business shutdowns aimed at preventing the coronavirus from spreading.
- **Powell Will Make Rare TV Appearance Today:** Federal Reserve Chairman Jerome Powell will make a rare televised interview appearance in a broadcast today, as the U.S. central bank deploys an unprecedented array of tools to prevent the health crisis from becoming a financial one. Powell will be interviewed on the NBC Today show -- one of the country’s main morning television programs -- at 7:05 a.m., according to an advisory released by the Fed. It will mark the Fed chief’s first public remarks since he held an unusual Sunday evening press briefing by teleconference on March 15. That was following a policy meeting that the central bank conducted days early in order to speed stimulus to the economy and financial system.
- **U.S. Among Worst Hit Globally as Deaths Top 1,000:** More than 1,000 people in the U.S. have died from the novel coronavirus, according to data compiled by Johns Hopkins University, making it one of the worst-affected countries in the global pandemic. The U.S. has the sixth-highest death toll among nations, the data shows. Italy has suffered the most fatalities from the virus worldwide, with more than 7,500 deaths as of today. China, Spain, Iran and France have also seen more than 1,000 deaths each. Globally, over 470,000 people have been infected while more than 21,000 have died. The U.S. has a total of about 69,000 confirmed cases.
  - The grim milestone comes after a sharp acceleration of infections prompted the World Health Organization to warn the U.S. could become the next center of the global outbreak. Patients in the U.S. have complained of not being able to access tests, while doctors say they’re already facing shortages of medical equipment and supplies.
  - Meanwhile, New Jersey is on track for the kind of viral surge New York is experiencing, the state’s health commissioner said. “Our trends are tracking our neighbors’,” Judy Persichilli said of New York’s coronavirus infection rate at a news

conference yesterday in Trenton. New Jersey has 4,402 infections, up from 3,675 on Tuesday, Gov. Phil Murphy (D) announced at the conference. Deaths climbed to 62, he said. That's up from 44, according to data posted on the state's website.

- **Conflicting Emergency Decrees in U.S.:** The limits of who has what emergency powers is being challenged by the pandemic as states restrict visitors and order residents to stay at home and as Trump mulls the lifting of precautions over the objections of governors. Authorities can demand quarantines and the closure of businesses, Lawrence Gostin, a Georgetown University public health professor, said. That would remain in force even if the president decides to urge the lifting of restrictions, as he suggested Tuesday he might do next month. The president "implies he has legal power to order back to work. Untrue," Gostin said.
  - Trump's assertion of powers he lacks is only one potential flashpoint exposed in the collision between the pandemic and the American political system. From the White House down to governors and mayors, officials are creating a patchwork of orders restricting commerce, travel, or public gatherings. Some of those laws being brought into play date to the early 20th century – long before air travel on a commercial scale, or the CDC.
- **Gottlieb Warns of Fast Re-Openings:** The U.S. could see up to 100,000 Covid-19 cases in a matter of days, and limits on public movement shouldn't be lifted by Easter as Trump has suggested, according to his former FDA commissioner, Scott Gottlieb. "There's some difficult days ahead, but hopefully we won't have the tragic consequence that Italy did," Gottlieb, now a fellow with the American Enterprise Institute think tank, said in an online health forum sponsored by the Wall Street Journal. Gottlieb said he hoped the spread of the disease in the U.S. would more closely resemble that in South Korea or in Germany.
- **Virus Likely Curtailed China Drug Output, Raising Shortage Fears:** Drug manufacturers in China may have cut production by almost 40% early this year as the novel coronavirus spread there, according to a U.S.-based group that supplies the basic tools for testing the quality of many medicines. China is the backbone of the world's drug supply. Any disruption in the country's output could result in shortages of medications that will be in high demand as the U.S. grapples with Covid-19.
- **Trump to Have FEMA Direct Supplies Among States:** The Trump administration is expected to soon direct how manufacturers will distribute crucial medical supplies -- including protective gear and ventilators -- to combat the outbreak, alleviating what U.S. governors have complained is a chaotic marketplace for the products. The Federal Emergency Management Agency will take charge of allocating the supplies nationwide, according to three people familiar with the matter, under a clause of the Defense Production Act. The law gives the government vast powers to direct industrial production in crises, but Trump has repeatedly said he's reluctant to use it.
  - Governors, however, have complained publicly that they have found themselves in competition with one another and with the federal government to procure

equipment including ventilators after Trump told them March 19 to try to obtain medical supplies on their own.

- **Remote Voting Options:** It's too late for the House to implement remote voting on the Senate's stimulus legislation, but some members are still pushing for the option even as leaders explore alternative ways to pass bills without calling their members back to Washington. Both parties' leaders are discussing the best way for the chamber to quickly pass the urgently needed legislation.
  - Meanwhile, House Rules Chairman Jim McGovern (D-Mass.) hasn't yet closed the door on the possibility of House members one day being able to vote remotely. But he and ranking member Tom Cole (R-Okla.) agreed that is not happening this week.
- **Paper Hearings Replace Public Ones:** The Senate will set a new precedent today when it holds the first "paper" committee hearing to mitigate risks of large public gatherings amid rising coronavirus threats.
  - The Senate Armed Services Committee said it is canceling the public hearing it planned on the needs of the Army and instead will collect written materials from Army officers and make them public on its website, as well as statements from Chairman Jim Inhofe (R-Okla.) and others.
  - The committee said the plans for paper hearings are still being developed but call for senators' questions and witness answers to be posted within a week of opening statements. Still, it said the panel's plans may change to ensure the Pentagon is able to fulfill its duties, particularly those related to combating the coronavirus response.
- **Vote-by-Mail Gains Momentum:** While Sens. Amy Klobuchar (D-Minn.) and Ron Wyden (D-Ore.) push to expand vote-by-mail programs, a small group of companies argue for an alternative, one they claim will boost voter participation nationwide: mobile voting.
  - Jurisdictions in at least 15 states are planning to use mobile balloting in a limited capacity in 2020 to account for overseas voters and those with disabilities. Proponents of a digital electorate hope the coronavirus spurs adoption of their technology. The virus has provided an "opportunity," says Bradley Tusk, chief executive officer of Tusk Holdings and a supporter of mobile voting: "People are being told by the government not to congregate, and that's a pretty clear directive not to go vote ." Tusk, who says he hasn't invested in any mobile voting companies, has spent "in the low seven figures" helping local governments cover the costs of adopting the systems.
  - Massachusetts Institute of Technology doctoral student Michael Specter describes Tusk's position as a "false dichotomy" that ignores postal ballots. He and his colleagues say mobile voting technology is unproven and opens the door to cyber risks.
- **Pennsylvania, Ohio Back-Load Primaries:** Democrats' primary calendars got a little more back-loaded after Pennsylvania lawmakers voted to delay the state's primary from April 28 to June 2 due to the pandemic. Ohio legislators separately passed a bill extending absentee

voting by mail until April 28, though they didn't reschedule an in-person voting day to replace its postponed March 17 primary. Pennsylvania joins Connecticut, Delaware, Indiana, Maryland, and Rhode Island, which all delayed primaries in April and May until June 2 – when the District of Columbia, Montana, New Jersey, New Mexico and South Dakota were already planning to hold primaries.

- **Biden Rejects April Debate:** Joe Biden rejected any idea of an April debate with Sen. Bernie Sanders (I-Vt.), signaling yesterday that he views the Democratic nominating contest as essentially over. “I think we’ve had enough debate,” Biden said during a live streamed news conference. “I think we should get on with this.”
  - Sanders, however, responded later that he wanted a face-off because it would help inform Americans as they confront the coronavirus. “One of the things that I think the people want, especially in this unprecedented crisis in modern American history, is to hear the ideas of candidates as to how we got into this disaster,” Sanders said Wednesday evening on CNN. “So I think we need a good debate as to where we go, not only just now but in the future.”
- **Trump Campaign Protests Virus Ad:** The Trump campaign asked TV stations in swing states to pull an ad showing the president calling the coronavirus a “hoax” his allies say is misleading. The ad from Priorities USA shows the curve of U.S. cases mounting from Jan. 20 to March 22 while featuring audio of Trump downplaying the threat during that time. “The coronavirus,” Trump is shown as saying before a second clip plays, “this is their new hoax.” Trump’s campaign says that he was describing Democrats’ efforts to politicize the coronavirus pandemic, not calling the virus itself a hoax.
- **Saudis Told to Not Unleash Oil:** The Trump administration is calling on Saudi Arabia to dial back its plan to flood the oil market after a price war with Russia sent crude prices falling to their lowest levels in almost two decades. While its status as the world’s biggest producer means the U.S. is sheltered in part from the collapse, the White House wants Riyadh to hold back on a plan to supply a record 12.3 million barrels a day next month, people familiar with the situation said. It’s seeking the Saudis’ help in bringing oil prices back to where they were before the market cratered in early March, one of the people said.