

American Nephrology Nurses Association

Daily Capitol Hill Update - Wednesday, March 4, 2020

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- 1:50pm: President Trump delivers remarks at the Latino Coalition Legislative Summit
- 3pm: Trump participates in presentation of Boy Scouts' report to the nation
- Pence will meet with airline CEOs at the White House at 11am on Wednesday to discuss the coronavirus
 - Pence will also meet with CEOs of long term, post-acute and palliative care providers at 10am; diagnostic lab CEOs at 12:15pm
 - Pence to speak with House Republicans at 2pm, then address House Democratic Caucus at 2:30pm
- 5:30pm: Coronavirus task force press briefing

CONGRESS

- Senate meets at 10am; set to vote on S. 2657, the energy package
- House meets at 10am; first votes expected from 1:15pm
 - House begins consideration of H.R. 1140, which would give Transportation Security Officers (TSOs) the same terms of employment as other federal employees
 - House could also begin consideration of emergency supplemental funding relating to coronavirus; as well as S. 1678, under which it would become U.S. policy to advocate for Taiwan's participation in all international organizations in which statehood isn't a requirement and any relevant U.S.-China engagements

Congressional, Health Policy, and Political News

- **Senate Passes Retirement Benefit Manager Fraud Bill:** The Senate yesterday passed on voice vote a bill to prevent fraud by representative payees. The measure, passed by the House on Feb. 5, now heads to Trump for his signature. The bill would designate fraudulent use of federal retirement benefits by a representative payee a federal crime. Under federal law, individuals who are minors, mentally incompetent, or have another qualifying legal disability can have benefits managed on their behalf through an authorized, court-appointed or agency-approved representative, known as a "representative payee."
- **Planned Parenthood Fights Separate Billing:** A new HHS rule requiring health insurance companies to bill members separately for abortion-related premiums is arbitrary, capricious,

contrary to federal law, and violates agency procedure, a Planned Parenthood affiliate told a federal court Monday. Planned Parenthood of Maryland asked the U.S. District Court for the District of Maryland to grant it pretrial judgment and vacate an HHS December 2019 program integrity notice of correction called the “separate-billing rule.” The final rule, which takes effect in June, applies to insurers that provide abortion coverage in individual-market plans sold on Obamacare exchanges.

- **Procedural Issue in Clinic Challenges:** A procedural question in the Supreme Court’s first abortion-related case since Trump’s two nominees took the bench could signal a “shocking reversal,” reverberating beyond the hot-button issue of abortion. All eyes will be on the high court today to see if justices are inclined to chip away at abortion rights. They’ve also agreed to consider whether abortion providers even have standing to challenge this and other restrictions.
 - In *June Medical v. Russo*, the justices will consider a Louisiana law that requires abortion doctors to get admitting privileges at local hospitals. The court in 2016 struck down a substantially similar Texas law, saying the law didn’t provide any of the purported health benefits. The Supreme Court has long allowed doctors to challenge abortion restrictions on behalf of their patients under a doctrine called third-party standing. If the court reverses course, it could mean the end of many if not all legal challenges to state abortion restrictions, said Vanderbilt University Law School professor Suzanna Sherry.
- **Biden Reopens Path to Nomination:** Democrats have waited three years for a winner to call their own and take on President Donald Trump. On Super Tuesday, Joe Biden laid his claim to becoming their champion. He won across the Deep South, showing his appeal with black voters at the heart of the party, and claimed victory in Minnesota, a predominantly white Rust Belt state in Trump’s cross-hairs this November. He won the rich, highly educated suburbanites in Virginia and North Carolina who waffled for months over which candidate to support. He also scored an upset in Massachusetts, the home state of rival Sen. Elizabeth Warren (D-Mass.) and in the backyard of Sen. Bernie Sanders (I-Vt.). And late in the night, Biden laid claim to another upset, this time in Texas -- the second-biggest delegate trove -- and remained ahead in Maine, states that seemed hopelessly out of reach just days ago.
 - There’s still a long road ahead for the former vice president. His chief rival, Sanders, won California -- the biggest prize of the entire nominating race -- where a runaway victory could give Sanders enough delegates to blunt Biden’s gains on Tuesday. And the former vice president’s turnaround was made all the more remarkable because of his plunge from front-runner status, bruised and battered by a meandering campaign, lackluster fundraising and trademark gaffes.
 - Still, the whirlwind three days following Biden’s convincing win in South Carolina -- which pushed top rivals like Pete Buttigieg and Sen. Amy Klobuchar (D-Minn.) to back the former vice president -- underscored the extent to which Democrats were ready to unite behind anyone perceived as ready to take on Trump.
- **Mixed Results for Congressional Comeback Bids:** Election night vote counting will continue into today in the two biggest states in the country, where a House incumbent is clinging to a narrow lead and a marquee comeback bid hangs in the balance.

- In Texas, where both a House Democrat and Republican faced competitive challenges, Rep. Henry Cuellar (D) led immigration attorney Jessica Cisneros (D) by 3 points with less than half of precincts reporting, while Rep. Kay Granger (R) was renominated with 58% of the vote. Meanwhile, former Rep. Darrell Issa (R-Calif.), running in a more favorable district than the one he left behind in 2018, is in a tight race to make the top two and advance to November.
 - On a big night for Biden, the down-ballot primary headlines include a pair of Senate races heading to runoffs, a political scion coming up short, and several general-election showdowns that could determine the House majority taking shape.
- **Efforts to Add Tax Policy to Energy Bill Face Hurdle:** Lawmakers seeking to change tax incentives for electric vehicles and energy storage face an uphill battle in their efforts to amend the energy bill before the Senate this week. The broad energy policy bill aims to boost renewables, energy efficiency, carbon capture, and other green energy initiatives.
 - There are several efforts to attach energy tax policy changes to the package, but an aide to Senate Republican leadership indicated consideration of those amendments is unlikely. “Instead of focusing on counter-productive messaging exercises, Republican Leadership is focused on passing this overwhelmingly bipartisan legislation,” the aide said in an email when asked about the prospect of amendments.
 - The pressure to act on clean energy tax incentives has grown since an effort to attach various energy tax policies to year-end funding negotiations stalled.
- **Bill Supporting Elderly Americans Passed:** The Senate yesterday also passed legislation with an amendment from Sen. Susan Collins (R-Maine) that would reauthorize and strengthen the Older Americans Act. The amended legislation goes back to the House, which had passed a previous version of the measure, for floor action.
- **Senators Push Investment Scrutiny of Allies Using Huawei:** A group of senators wants to remove a preferred investment status for countries such as the U.K. that allow for the installation of Huawei equipment in their 5G networks. Sen. Tom Cotton (R-Ark.) is set to introduce legislation as soon as today that would amend provisions of the Foreign Investment Risk Review Modernization Act, which scrutinizes direct investments such as real estate and venture capital deals by foreign countries in the U.S.
- **Retaking Legislative Clout vs. White House:** Lawmakers are preparing to yank back in the perpetual tug of war with the White House over federal authority. In a bipartisan retort to a generation of presidential encroachment on legislative prerogatives, the House Rules Committee is considering its options to claw back congressional powers, including requiring Congress to routinely approve select executive branch actions. A variety of factors, including White House control on war-time actions, has diminished the power of Congress, a panel of history, politics, and law scholars testified at a hearing on the topic yesterday.

- Meth Spike Called a ‘Fourth Wave’:** Meth overdose death rates are starting to eclipse opioid and fentanyl deaths in the western part of the country, worrying lawmakers. A senior HHS opioid policy official called it a “national security issue” yesterday as he testified before the House Energy and Commerce Committee’s Health Subcommittee on a variety of bills to help stem opioid deaths. The uptick in meth use – which is sometimes mixed in with fentanyl – represents a “fourth wave” of the opioid crisis, following the rise in prescription opioid abuse, a shift to heroin, and eventually to synthetic opioids like fentanyl, Assistant Secretary for Health Brett Giroir told the subcommittee.

 - Meth’s resurgence has prompted a “full out dash” with the National Institutes of Health and the Food and Drug Administration to develop “adjuncts to therapy that can be as useful as buprenorphine can be for opioids,” Giroir said. States can also use federal funds initially meant to help fight opioid addiction to treat meth use or other addiction issues, Giroir said last month.
- Retailer Sales Tax Issues:** The chairman of a House subcommittee yesterday said says he’s trying to build a bipartisan coalition to assess how Congress can help online retailers navigate America’s patchwork of state sales tax laws. At a House Small Business Subcommittee on Economic Growth hearing yesterday, witnesses asked for a “simple-straightforward taxing regime” to deal with the aftermath of the Supreme Court’s 2018 *South Dakota v. Wayfair* verdict. “The landscape post-*Wayfair* is that millions of small businesses are unfairly faced with overwhelming and expensive compliance,” the committee chairman, Rep. Andy Kim (D-N.J.), said.
- U.S. Strikes Taliban Hours After Trump’s Call to Militant Group:** Hours after Trump spoke by phone with a top leader of the Taliban about peace in Afghanistan, the U.S. conducted an airstrike against the militant group while it was attacking Afghan forces in Helmand province. U.S. military spokesman Sonny Leggett confirmed the airstrikes on Twitter, calling on the Taliban to stop “needless” attacks. “To be clear -- we are committed to peace,” he tweeted, noting that Afghans and the U.S. had complied with the recently-signed agreement, while the Taliban “appear intent on squandering this opportunity and ignoring the will of the people for peace.”

 - As he left the White House yesterday, Trump called the conversation a “very good talk” and said the two sides had reiterated commitments to reduce violence in a peace agreement reached in Qatar on Saturday.
- Trump Sued for Wall Funding Shift:** More than a dozen U.S. states are suing the Trump administration to block \$3.8 billion in 2020 military funds from being diverted to the construction of a wall along the U.S. border with Mexico. The lawsuit was filed yesterday in federal court in Oakland, California, days after the American Civil Liberties Union and a national environmental advocacy group filed a similar lawsuit over Trump’s end run around Congress. Democrats in the House haven’t given him the funding he wants for the project.

 - “Congress has repeatedly and explicitly rejected taxpayer funding for a wasteful Trump wall along the border,” California Attorney General Xavier Becerra said in a

statement. “We’re going to court – once again – to remind Donald Trump that even the president is not above the law.”

- The federal court in San Francisco last year repeatedly found that Trump’s initial transfer of over \$6 billion in military funding for a border wall was unlawful. The president notched a win in July, however, when the U.S. Supreme Court ruled he could use some military funds while lawsuits were pending. The president has displayed a “flagrant disregard of fundamental separation of powers principles ingrained in the United States Constitution,” the states say in the complaint. His latest diversion of military funds will strip the National Guard of much-needed funding, they say.
- **Trump Balks at Stimulus, Saying Economy Is Immune to Coronavirus:** Trump’s response to the coronavirus outbreak and the damage it’s inflicting on global markets is most notable for what he hasn’t done. The president has so far balked at pursuing a major fiscal plan to counter the market turmoil stemming from the virus’s spread. He said yesterday it’d be a good time for Congress to cut income taxes again but hasn’t made his own proposal, and he is not considering a payroll tax cut or a rollback of tariffs on Chinese imports, his Treasury secretary said.
 - Instead, Trump appears content to wait out the crisis, even as it emerges as a potential threat to his re-election, which he’s staked squarely to the performance of the American economy. His clearest calls have been directed at the Federal Reserve. “More easing and cutting!” Trump tweeted yesterday after the central bank announced an emergency 50 basis point rate cut.
 - Yet concerns are growing in the business community, and industries may be looking for more than just monetary policy to cushion the blow. David Kelly, chief global strategist at JPMorgan Asset Management, said there’ll be calls on the government to act: “Even with this Fed action, there will likely be growing calls for fiscal action, particularly to provide direct support to businesses that may increasingly suffer from the public response to virus fears.”
- **Lawmakers Demand Candor From Trump Aides Over Virus:** The top Homeland Security Department official was pressed yesterday to be transparent with Congress about the coronavirus response, with lawmakers citing numerous other instances where they say the agency has withheld critical information. “If we can’t trust the Trump administration to be transparent with regular congressional oversight, how can we trust it to be honest with the American people in a time of crisis?” said House Homeland Security Committee Chairman Bennie Thompson (D-Miss.).
 - Thompson and ranking member Mike Rogers (R-Ala.) told acting DHS Secretary Chad Wolf they were concerned about accessing information necessary for the committee to provide resources and oversee the department’s work. Wolf said he was prepared to provide the committee with information.
- **NLRB Regional Offices Have Top-Level Vacancies:** A majority of the National Labor Relations Board’s 26 regional offices have at least one vacancy or temporary appointment in leadership, creating top-level personnel gaps that some observers say can hinder the

agency's work and sap employee morale. Effective management at the regional level is crucial to the agency's mission because of the sheer volume of work that the offices handle, former NLRB officials and staffers said. The regional offices are responsible for processing unfair labor practice charges and representation petitions, investigating cases, issuing complaints when charges have merit, authorizing union elections, and litigating matters before administrative law judges.

- **Russian Disinformation Continues:** Department of Homeland Security officials said technical glitches were at standard levels in Super Tuesday voting and there was no spike in disinformation campaigns, even though foreign adversaries are still seeking to disrupt the 2020 presidential contest. "The threat to our elections is real. Our adversaries would like nothing more than to see us divided," acting DHS Secretary Chad Wolf said at a briefing yesterday. He added that federal and state governments, along with the private sector, are "laser focused" on election security.
- **Google Pulls Political Ads:** Google has rejected dozens of advertisements from Trump's presidential campaign for violating its policies in the week leading up to Super Tuesday, as well as an ad for Bernie Sanders and two from a PAC backing Joe Biden, according to data from the tech giant yesterday. A spokeswoman for Google declined to comment on its decision to remove specific ads. It removed the content from its database of political ads, so it's impossible to know exactly what rules were broken. Google has a policy against making a "false claim" in a political ad, and said in November it was banning "doctored and manipulated" media, sometimes known as deep fakes, as well as misleading messages about the U.S. census and the "electoral or democratic process."