

American Nephrology Nurses Association

Daily Capitol Hill Update - Tuesday, May 5, 2020

(The following information comes from Bloomberg Government Website)

Schedules: White House and Congress

WHITE HOUSE

- 10am: President Trump departs White House for Phoenix, Arizona
 - 3pm: Trump arrives at Honeywell International plant in Phoenix; participates in roundtable on Native Americans
 - 4:15: Trump tours mask production assembly line
 - 4:30pm: Trump delivers remarks; departs at 5:05pm
 - 9:30pm: Trump returns to White House

CONGRESS

- Senate meets at 9am; will consider William Evanina to be Director of the National Counterintelligence and Security Center
- 9:30am: Senate Intelligence Committee hears from Director of National Intelligence nominee John Ratcliffe at confirmation hearing; 106 Dirksen
- Senate Democratic leader Chuck Schumer and Sen. Ben Cardin will try to pass legislation today to require public daily, weekly reporting of certain virus relief program data.
- 10:45am: House Speaker Nancy Pelosi holds ceremonial swearing in for Rep.-elect Kweisi Mfume

Congressional, Health Policy, and Political News

- **Tens of Millions Could Lose Coverage:** Up to 43 million Americans could lose their employer-sponsored health coverage if the unemployment rate reaches 20%, according to a report from the Urban Institute released yesterday. A giant shift in how Americans get health care is likely already underway, with millions moving away from getting coverage through an employer to enrolling in state Medicaid programs or the Affordable Care Act marketplaces, the report shows. The number of those who have no health insurance could grow by 7 million to 12 million, according to the projections.
- **Democrats to Challenge Pick to Oversee Pandemic Funds:** Senate Democrats are ready to challenge a promise of “fairness and impartiality” by Brian Miller, Trump’s nominee to oversee trillions of dollars being spent in the effort to rescue the economy from the coronavirus pandemic.
 - “I will be vigilant to protect the integrity and independence of the Office of Special Inspector General” and will work “to uncover fraud, waste and abuse,” Miller said in remarks released before his scheduled appearance this afternoon, when the Senate Banking Committee will weigh his nomination as Special Inspector General for

- Pandemic Recovery, or SIGPR. He said he has “close to 30 years of experience in the federal government,” and supporters have emphasized his roles as a watchdog under presidents of both parties, probing health-care fraud for the Justice Department and monitoring spending at the General Services Administration.
- Yet Democrats on the Republican-led committee are expected to question his independence in light of his current post -- as a White House lawyer who participated in Trump’s impeachment defense. “Your recent experience as a legal advocate for the president and the White House raises questions about your ability to immediately shift to a position where independence from the White House is a requirement,” Sen. Elizabeth Warren (D-Mass.) said in a letter to Miller yesterday.
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- **Hoyer Says House Timetable for Return Uncertain:** House Majority Leader Steny Hoyer (D-Md.) told fellow Democrats yesterday that there’s no timetable for them to return to Washington for votes on the next coronavirus bill or other legislation, according to members and officials who participated in a caucus-wide call. Democratic House members are being asked to send their suggestions for the a new pandemic response measure to House leaders and committee chairmen by Friday, one official said.

 - **Senate Confirms Nuclear Regulator Watchdog Pick:** The Senate voted 87-0 on Monday to confirm Trump’s pick for the watchdog agency that oversees the Nuclear Regulatory Commission. Robert Feitel, who prior to his confirmation was a Department of Justice trial attorney, will serve as the agency’s inspector general. The IG office essentially runs separately from the agency and is tasked with rooting out waste, fraud, abuse, and mismanagement. Feitel’s confirmation comes amid continued criticism of the president for firing inspector generals.
 - The Senate today will resume work on Trump’s nomination with floor consideration of William Evanina to serve as director of the National Counterintelligence and Security Center.

 - **Administration Says Task Force Shouldn’t Focus on Hearings:** White House task force members need time to focus on the task at hand rather than preparing for congressional hearings, a senior administration official said yesterday. The official comments came in response to a report from The Hill that the White House was barring task force members from testifying to Congress this month. The official said concerns about transparency are unreasonable given daily press briefings and agency-led briefings with congressional committees.

 - **Democrats Seek Nursing Home Provisions:** House Democrats want to expand inspections at nursing homes and bolster reporting of deaths at long-term care facilities. Members told reporters yesterday they’re also seeking more funds for protective equipment for workers at long-term facilities, where more than 10,000 residents and workers have died of the virus. House Democratic Caucus Chairman Hakeem Jeffries (D-N.Y.), said he expects to see legislation on this “sooner rather than later.” Rep. Jan Schakowsky (D-Ill.) said she believes

Democrats will get “some support from Republicans who are seeing the same kind of startling statistic about these nursing homes.”

- Meanwhile, Speaker Nancy Pelosi (D-Calif.) yesterday declined to directly respond to Trump saying he would demand a payroll tax cut in any future relief plan. She said there are many other needs, including expanded unemployment insurance and aid to state and local governments. “I’m not negotiating with the president on television,” she said during an interview on CNN. “There’s no need to be drawing any red line in the sand.”
- **Gilead Questioned on Remdesivir Supply Chain:** Democratic lawmakers sent a letter to Gilead CEO Daniel O’Day asking for details on the company’s plans for remdesivir, an anti-viral medication being studied to treat Covid-19, including measures to secure the supply chain, disclosures about taxpayer investment in the medication and pricing. “American taxpayers have made a big investment in remdesivir, but now in return, those who need treatment may get only a big bill while Gilead gets a big payoff,” Rep. Lloyd Doggett, chairman of the House Ways and Means Health Subcommittee, said in a statement yesterday.
- **Treasury Asked to Alter Worker Retention Guidance:** A bipartisan group of lawmakers asked the Treasury Department to reverse its current guidance and allow employers providing health insurance to furloughed workers to be eligible for the employee retention credit. Members, in a letter yesterday, told Treasury Secretary Steven Mnuchin to reconsider the determination in light of “the importance of providing access to affordable health care” amid the public health situation. Senate Finance Chairman Chuck Grassley (R-Iowa) and House Ways and Means Chairman Richard Neal (D-Mass.) were among its authors.
 - Also from Neal yesterday, the top tax-writer called for a 90-day suspension of tariffs on products related to the coronavirus pandemic response. Neal said his committee is urging suspensions after reading a U.S. International Trade Commission report on imports of medical supplies and gear. “These suspensions must be subject to a straightforward and easily administrable process for affected stakeholders to object,” he said in a statement.
- **Big Banks Pull Ahead in Small Business Aid:** The largest U.S. banks stepped up lending to dominate the U.S. government’s small-business rescue program after playing an undersized role in its early days. Banks with assets of \$10 billion or more processed 68% of Paycheck Protection Program loans last week, data released on Sunday show, compared with about 40% during the program’s first round from April 3 to April 16. That translates to about \$24 billion of PPP loans a day from the largest banks, more than double the daily pace set by that group in the first phase.
- **Ambitious Vaccine Timeline Requires Risks:** A Covid-19 vaccine could happen in as little as nine months as the federal government looks to eliminate “dead space,” said Peter Marks, who oversees vaccine regulation as the director of the FDA’s Center for Biologics Evaluation and Research. His comments mark one of the shortest and most ambitious

timelines laid out by government scientists at the forefront of the coronavirus response. Anthony Fauci, head of the National Institute of Allergy and Infectious Diseases, has projected a vaccine would take up to 18 months to develop since the outbreak first began. But there have been questions about whether the Trump administration is overestimating its ability to fast track a vaccine.

- “We have to make sure that whatever comes out of this process meets our high standards for safety and efficacy for vaccines,” Marks said during an Axios event on medical research during a crisis. “That said, in this particular crisis we need to try to move things through very quickly to get there – working meticulously – because there’s just so much at stake here.”
- **Wisconsin Sued Over Social Distancing Rules:** Two Wisconsin residents are claiming in a lawsuit that the state’s “Safer at Home” social distancing order violates their constitutional rights by effectively banning religious worship and political gatherings while allowing “hundreds of customers into Costco at any given time.” The public safety measures -- put in place to stem the rate of infections and deaths in Wisconsin during the coronavirus pandemic -- are overly intrusive and “cannot survive even basic scrutiny,” according to a complaint filed yesterday with the Wisconsin Supreme Court.
- **IRS Shuts Kansas City Campus for Virus:** The IRS is temporarily re-closing its campus in Kansas City, Mo., after an employee reportedly tested positive for Covid-19 – setting back the agency’s plans for tackling its mail backlog and resuming customer service operations at that center. The facility will need to be shut down for a deep cleaning, a local chapter of the National Treasury Employees Union said Monday in a Facebook post. An IRS spokeswoman said the cleaning may take up to seven days. The move comes after the IRS asked thousands of employees to return to their worksites beginning April 27 to perform tasks including opening mail, processing paper tax returns, and taking phone calls.
- **U.S. Targets Expiring Iran Arms Embargo:** The Trump administration is escalating tensions with allies as it seeks to renew a U.N. arms embargo on Iran that’s set to expire this year, threatening to kill what’s left of the nuclear agreement the U.S. quit two years ago if countries don’t go along. Officials including Secretary of State Michael Pompeo are warning that the U.S. could try to force a “snapback” of sanctions against Tehran by all United Nations Security Council members as part of the 2015 Iran nuclear accord if the arms embargo is allowed to expire in October. “We are operating under the assumption that we will be able to renew the arms embargo,” Brian Hook, U.S. Special Representative for Iran, told reporters last week. If council members don’t go along, he warned, “we are well within our rights” to snap back all U.N. sanctions.
 - That’s not an interpretation many countries agree with.
- **China Directs Fury at Trump’s Top Diplomat:** Chinese state media unleashed a torrent of criticism against Pompeo -- calling him “evil” and a liar -- as Beijing sought to push back against the U.S.’s virus allegations without prompting a confrontation with Trump. State media published a series of commentaries lashing out at Pompeo after he said there was

“enormous evidence” that the coronavirus outbreak sprung from a high-security virology lab in the central Chinese city of Wuhan. The official Xinhua News Agency said the top U.S. diplomat was speaking “nonsense,” while a newscaster from China Central Television read a commentary accusing him of “spitting poison.”

- “U.S. Secretary of State Pompeo picked up his own lies in a May 3 interview with the media,” newscaster Li Zimeng said. “If the cheating behaviors from evil politicians like Pompeo continue, the U.S.’s ‘Make America Great Again’ could become merely a joke.”
 - Meanwhile, the European Union will put forward a proposal to the World Health Assembly calling for an independent probe into the origins of the coronavirus, according to Australian Prime Minister Scott Morrison. The assembly will consider the proposal at its May 18 meeting, Morrison told reporters in Canberra today. He added that he wrote to all Group of 20 leaders this week in his bid to create support for the investigation into how the virus started and spread. Australia’s previous calls for the probe have also raised the ire of China, its largest trading partner.
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- **Nominations:** Trump sent 30 nominations to the Senate yesterday, including Russell Vought to be director of the Office of Management and Budget, according to a White House statement. Trump also announced his intent to nominate Louis Bremer to be an assistant secretary of Defense for special operations and low intensity conflict and Patrick Hovakimian to be general counsel of the Office of the Director of National Intelligence.
 - **Anti-Robocall Law Exemption Faces Test at Supreme Court:** The Supreme Court tomorrow will hear argument as to whether automatic phone calls for government debt collection should be exempt from an anti-robocall law. Businesses are hopeful the court will invalidate the law’s exemption for the debt calls – and then strike down the entire anti-robocall statute as unconstitutional. There’s a “good chance” justices will find the debt exemption unconstitutional, said Christine Reilly, a partner at Manatt, Phelps & Phillips. The question is whether they’ll take the “nuclear option” and strike down the entire statute, she said.
 - **Esper Chides FCC on Ligado Wireless Deal:** Defense Secretary Mark Esper said regulators had used incomplete data in approving Ligado Networks for a mobile network that the Armed Forces says threatens interference with GPS. The Federal Communications Commission relied on Ligado-funded test results that used 14 receivers, but U.S. agencies examined 80 devices and found Ligado’s operations would cause harmful interference, Esper said in a May 1 letter to Senate Armed Services Chairman Jim Inhofe (R-Okla.).
 - **Trump Sued Over Fish Protections:** The National Marine Fisheries Service and U.S. Fish and Wildlife Service are failing to protect alewife, blueback herring, and Pacific marten under the Endangered Species Act, conservation groups claim in separate lawsuits filed against the agencies in Washington, D.C., and California federal courts yesterday. Four groups say the National Marine Fisheries Service made multiple legal errors when it

decided against listing alewife and blueback herring, also known as river herring, as threatened under the ESA, according to the lawsuit.

- **Census Restarts Some Field Ops:** The U.S. Census Bureau said in a statement it will begin a phased restart of some 2020 Census field operations this week in select remote areas where mail is not an option for responses. The bureau had ceased this effort March 18 after just 3 days because of the coronavirus threat.
- **Embattled Juul to Relocate Headquarters to Washington:** Juul Labs plans to move its headquarters from San Francisco to Washington, D.C., scale back its overseas operations and cut almost a third of staff, said a person familiar with the company's plans. The moves represent a dramatic reversal for the once-unstoppable company, which has come under regulatory pressure as it's increasingly blamed by lawmakers and consumers for igniting a teen vaping epidemic. The embattled e-cigarette company is planning to exit South Korea and reduce its presence in France, the person said, adding that the company is also exploring its options in Austria, Belgium, Portugal and Spain.