



PPC CAPITOL CONNECTION

November 20, 2018

What Matters Now in Washington:

- The midterm elections will bring major changes to the balance of power in Washington, as Democrats retake the House and Republicans strengthen their Senate majority. [More...](#)
- FDA announced new regulatory action to curb youth use of tobacco products. [More...](#)
- HHS is asking scientists to make their case for the importance of fetal tissue research as an internal review of the practice continues. [More...](#)
- PPC authored policy commentaries in *Pediatric Research* exploring the intersections of child health policy, advocacy, and pediatric research. [More...](#)

DEMOCRATS MAKE ELECTION NIGHT GAINS WHILE REPUBLICANS HOLD SENATE AFTER VOTERS RENDER JUDGMENT IN MIDTERMS. In an election marked by stunning [turnout](#), voters across the country returned Democrats to the House majority for the first time since 2010 following two years of single-party rule. While ballots continue to be counted, Democrats appear poised to pick up roughly 35 to 40 seats in the House, marking the [largest Democratic gain since the post-Watergate midterms](#) in 1974. This freshman class of legislators will include a number of diverse constituencies, including a [record number of women](#) who will for the first time hold more than 100 seats in the chamber. Control of the House was decided in [suburban districts](#) across the country, where once reliably [Republican voters sent Democrats](#) to Washington, often for the first time in decades. Suburban gains weren't limited to the satellites of major cities like New York and Los Angeles, but extended to cities around the country from Richmond, VA, to Kansas City, MO. In a host of other contests, Democrats built upon gains made in off-year and special elections held in the last two years, picking up a number of [governor's mansions](#) and flipping over [300 state legislative seats](#).

With one race still outstanding, [Republicans will hold their Senate majority](#) in the 116th Congress, with Republicans winning four Democratic-held seats in North Dakota, Indiana, Florida, and Missouri and Democrats winning two Republican seats in Nevada and Arizona. The Florida Senate race was called most recently, following recount efforts that were initiated after incumbent Democratic Senator Bill Nelson trailed Republican Florida Governor Rick Scott by a quarter of a percentage point—Senator Nelson [conceded](#) to Governor Scott nearly two weeks after the election. The result of Mississippi's Senate race, pitting incumbent Republican Senator Cindy Hyde-Smith against Democrat Mike Epsy, is also outstanding and will proceed to a [runoff election](#) later this month after neither candidate secured 50 percent of the vote. In total, Republicans are likely to see a net gain of 1 to 2 seats in the Senate in the new year.

—**Pediatrician Elected to Congress for First Time.** Voters in Washington's 8th Congressional District made history on November 6th when they elected Kimberly Schrier, MD, as their representative in the new Congress, the [first pediatrician ever to serve in the House of Representatives](#). Dr. Schrier, a general pediatrician from outside Seattle, [made the decision to run](#) after the Republican House advanced its plan to repeal and replace the Affordable Care Act in 2017, which would have eliminated protections for people with preexisting conditions. As a pediatrician and a Type 1 diabetic, Dr. Schrier made affordable,

quality health care a cornerstone of her campaign. When she is sworn in this January, Dr. Schrier will be the only [female physician](#) currently serving in Congress.

—Health Care Wins Big on Election Night. Republicans took back the House in 2010 on promises of repealing and replacing the Affordable Care Act (ACA), President Barack Obama’s signature domestic achievement. After 8 years of steep Democratic losses driven in large part by opposition to the health care law, that trend appears to have finally reversed. Nearly a year of Republican efforts to unwind the ACA seem to have done what Democrats were unable to do in the law’s early days—build a critical mass of support for a law that was quickly defined in the negative by its critics. Many Democrats ran campaigns focusing on protecting individuals with preexisting conditions and bringing down the cost of health care for average Americans. The message appears to have resonated with voters, many of whom cited [health care as the issue most important to their vote](#). Beyond campaign messaging, voters in three states approved Medicaid expansions that were previously stymied by each states’ elected leaders. Through ballot initiatives, voters in [Idaho, Nebraska, and Utah](#) chose to [adopt the ACA’s optional Medicaid expansion](#) to adults whose incomes are under 138 percent of the federal poverty level, extending coverage to roughly half a million additional individuals. Additionally, Democrats will assume governorships in Kansas, Maine, and Wisconsin, making Medicaid expansion in those states significantly more likely as well. While it remains unclear what action on health care may be possible in a divided Congress, Republican leaders admit that [repealing and replacing the ACA is off the table](#).

—Midterm Election Exposes Demographic Shifts, Partisan Realignment. For months leading up to the midterm elections, pundits took to the airwaves declaring the likelihood of a “blue wave,” referring to the potential for overwhelming Democratic victories that would bring the minority party to power and wipe out any traces of Republican control in Congress. And while Democratic victories were strong, on par with recent wave elections over the last several decades, election returns reveal that both [Democrats and Republicans voted in record numbers this year](#). The conflicting results in the House and Senate, in which Democrats retook the House but Republicans expanded their margin in the Senate, are illustrative. Democrats increased gains in urban and [suburban districts](#). These gains fueled Democrats’ victory in the House. On the other hand, contested Senate races were primarily held in rural states from which President Trump derived the majority of his support in 2016, helping Republicans unseat four Democratic senators long viewed as vulnerable. Upset Democratic Senate victories in burgeoning Sunbelt states with growing populations mirror the trends that won Democrats the House. Rather than voters abandoning one party en masse to support the opposing party, the midterms seem to have [reinforced a realignment](#) of the two major political parties that has been slowly occurring for decades, splitting the country into two increasingly polarized camps.

FOOD AND DRUG ADMINISTRATION (FDA) ANNOUNCES NEW STEPS TO ADDRESS YOUTH TOBACCO USE. Amid dramatic increases in youth use of e-cigarettes, the [FDA announced](#) new restrictions aimed at limiting youth access to e-cigarettes and curbing youth use of tobacco products broadly. Given the detrimental impact of nicotine on the developing brain, youth use of e-cigarettes has been a concern of pediatricians for years. However, recent data announced by FDA show [troubling rises in youth use of these products](#). In the last year alone, there has been a 78% increase in current e-cigarette use among high school students and a 48% increase among middle school students. More than a quarter of high school current e-cigarette users are vaping 20 days or more per month. As such, [FDA announced new restrictions](#) aimed at limiting the availability of flavored e-cigarettes in brick-and-mortar retail locations, specifically requiring them to be sold in age-restricted, in-person locations. The new restrictions will also require e-cigarette retailers to use enhanced age verification processes for online sales. Beyond

restrictions on e-cigarettes, FDA also announced it would advance regulations to ban menthol cigarettes and flavored cigars to curtail youth use of these popular combustible products. Advocacy groups praised FDA's moves to ban menthol cigarettes and flavored cigars but reiterated that child-appealing e-cigarettes must be removed from the market.

HHS REVIEW OF FETAL TISSUE RESEARCH CONTINUES. The Department of Health and Human Services (HHS) has [begun to meet with groups](#) ranging from scientists to anti-abortion activists as it contemplates the future of fetal tissue research at FDA, the National Institutes of Health (NIH), and elsewhere. Scientific organizations, including the Federation of Societies for Experimental Biology and the International Society for Stem Cell Research, reportedly met with top officials at HHS to make their case for the importance of fetal tissue research in advancing scientific discovery. HHS has also met with organizations opposing the continued use of fetal tissue in biomedical research. It is unclear how the agency will weigh the arguments presented to them by both sides. The HHS review of fetal tissue research began in September following a decision to terminate an FDA contract with a fetal tissue supplier, citing procurement concerns, and HHS officials are currently considering potential alternatives to fetal tissue research. In total, the federal government spends more than \$100 million on fetal tissue research.

PPC POLICY COMMENTARY. Members of the PPC have authored commentaries detailing the policy implications of research published in *Pediatric Research*. You can read these PPC-authored commentaries online:

- [Maternal obesity: a serious pediatric health crisis](#) by Heidi M Harmon, MD, and Tamara S Hannon, MD