

## PPC CAPITOL CONNECTION

September 17, 2019

### What Matters Now in Washington:

- Protections for immigrant children in government custody are in jeopardy after the Department of Homeland Security (DHS) proposed rolling back standards for the detention, treatment, and release of these children. [More...](#)
- A federal government watchdog found that last year's family separation crisis caused separated children extreme trauma. [More...](#)
- Congress is waiting on President Trump to indicate how he would like to move forward with gun violence prevention legislation. [More...](#)
- The federal government will clear the market of flavored e-cigarettes, an important step forward as the nation confronts an epidemic of youth use and mysterious vaping-related lung illnesses. [More...](#)
- Senate progress in preparing a Fiscal Year (FY) 2020 health care funding bill has stalled, making a stopgap funding measure likely to keep the government open. [More...](#)
- The Food and Drug Administration (FDA) proposed new pictorial health warnings to appear on cigarette packaging and advertising. [More...](#)
- Alison Cernich, PhD, will serve as the next *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD) deputy director. [More...](#)
- PPC authored policy commentaries in *Pediatric Research* exploring the intersections of child health policy, advocacy, and pediatric research. [More...](#)

**TRUMP ADMINISTRATION ATTEMPTS TO ROLL BACK PROTECTIONS FOR MIGRANT CHILDREN.** DHS released a final rule in late August that would roll back critical protections for migrant children in federal government custody. The rule seeks to make changes to the standards for the detention, treatment, and release of all immigrant children under age 18 detained in the custody of the federal government as [set out by the Flores Settlement Agreement](#). While *Flores* requires immigrant children be held for no more than 20 days and have access to certain minimum living standards, the [DHS rule would allow children to be held in unsafe detention facilities for months, years, or even indefinitely](#). Because *Flores* is a court-supervised agreement, the judge overseeing the agreement's implementation will have until October 22 to rule on whether the new rule is consistent with the terms of the agreement, and *Flores* can only be terminated if the new rule meets that standard.

**CHILDREN SEPARATED FROM PARENTS EXPERIENCED INTENSE TRAUMA, HHS REPORT FINDS.** A recent report from the Department of Health and Human Services (HHS) Office of Inspector General (OIG) shed light on the impact of family separation on children's health. Based on an investigation following the federal government's short-lived policy of separating immigrant children from their parents at the southern U.S. border, [OIG found that children experienced severe trauma](#) that HHS staff were unprepared to address. This trauma, the report found, was a result of both experiences in their home countries and the journey to the United States, as well as additional trauma caused by forcible separation from their parents. OIG's investigation found that [separated children exhibited more fear,](#)

[feelings of abandonment, and post-traumatic stress](#) than children who were not separated from their parents. Despite the fact that the formal policy of family separation ended more than a year ago, some children are still separated from their parents, and those children that have been separated will require ongoing support to address the detrimental effects of that trauma.

**PATH FORWARD FOR GUN VIOLENCE PREVENTION LEGISLATION REMAINS UNCLEAR.** [A Labor Day weekend shooting in Odessa, Texas](#), once again shocked the nation following shootings earlier in the month that left over 30 dead. Whether or not Congress will act, however, appears dependent on the White House. Lawmakers spent their August recess embroiled in debate over whether and how to legislate to prevent future mass shootings, leading Senate Majority Leader Mitch McConnell (R-Ky.) to commit to making expanded background checks for gun purchasers "front and center" this fall. Despite some willingness on the part of the Republican-led Senate to act, the President's position has seemingly vacillated in recent weeks. While he indicated interest in background checks legislation several times in August, [reporting indicates that his interest in signing such a bill has waned over political concerns](#). In the face of this uncertainty, [Leader McConnell will not be holding any votes on gun violence legislation](#) until he knows which bills will be signed into law by the President.

**IN SURPRISE MOVE, TRUMP ADMINISTRATION PLANS TO CLEAR MARKET OF FLAVORED E-CIGARETTES.** On September 11, [President Trump and HHS announced all flavored e-cigarettes, including mint and menthol, would be removed from the market](#). The announcement comes as the nation confronts an ongoing epidemic of youth e-cigarette use, which statistics show continues to worsen, and an outbreak of an unknown [vaping-related lung illness](#) has impacted over 400, including six known fatalities. [The policy, which is currently being finalized](#), will remove from the market all flavored e-cigarettes that have not received an authorization from the FDA; this currently represents all flavored e-cigarette products since no e-cigarettes have received FDA marketing authorization.

**SENATE STUMBLES ON FY20 FUNDING BILLS AS END OF FISCAL YEAR APPROACHES.** With the end of the fiscal year quickly approaching on September 30, the [Senate appropriations process has hit a stumbling block](#), as Republicans and Democrats disagree over funding and policy priorities. [Two issues are posing a challenge to progress](#) on the health care funding bill for FY 2020. Senate Republicans are taking issue with a proposed plan by Democratic appropriators to block the Trump administration from implementing drastic changes to the Title X Family Planning Program. For Democrats, the Republican plan to move billions of dollars away from health care programs to fund President Trump's border wall is a nonstarter. Until a bipartisan understanding is reached, progress on developing health care funding bills remains stalled. Once these issues are resolved, however, it continues to appear unlikely that the Senate's funding proposal for HHS will be as generous as the House's; the lower chamber included an additional \$2 billion in funding for the National Institutes of Health (NIH), \$50 million for gun violence prevention research, and a host of other funding increases. It now appears likely that a [stopgap funding measure will likely be needed](#) while the final spending bills are developed.

**FDA ISSUES PROPOSED CIGARETTE GRAPHIC WARNINGS.** In August, the [FDA issued a series of proposed graphic warnings to appear on cigarette packs](#). The [photo-realistic images are intended to accurately convey the negative health effects](#) of smoking cigarettes and will also be required to appear on cigarette advertisements. [Cigarette graphic warnings are required](#) under the 2009 Family Smoking Prevention and Tobacco Control Act, but the agency's first attempt at implementing the requirement—a rule finalized in 2011—was ultimately struck down on First Amendment grounds in a legal challenge brought by the tobacco industry. After years of inaction from FDA, public health and medical organizations sued to compel agency action—resulting in an August 2019 deadline for FDA to release

proposed graphic warnings. Under the court order, FDA will need to finalize the graphic warnings by March 2020. Currently, more than 100 countries require graphic health warnings on cigarette packages, and they have been shown to be an effective tool in preventing youth smoking initiation and encouraging current smokers to quit.

**NICHD ANNOUNCES NEW DEPUTY DIRECTOR.** Last week, [NICHD announced Alison Cernich, PhD, was selected as the new deputy director](#) of NICHD. In [this role](#), Dr. Cernich will assist the NICHD Director in overseeing the institute's research programs in biological, behavioral and clinical research related to conception and pregnancy, typical and atypical development in childhood, reproductive health and medical rehabilitation. She previously served as the director of NICHD's National Center for Medical Rehabilitation Research (NCMRR).

**PPC POLICY COMMENTARIES.** 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:

- [Global Child Health: beyond surviving to thriving](#) by Tina Cheng, MD, MPH, and Nicole Shilkofski, MD
- [Including pregnant women in clinical research: time to overcome the barriers](#) by Scott Denne, MD
- [Making the case for ACEs: adverse childhood experiences, obesity, and long-term health](#) by Lucas Hoffman, MD, and Shetal Shah, MD
- [The 2020 Census and the child undercount: a threat to pediatric research and the health and wellbeing of children](#) by Judy Aschner, MD, Jean Raphael, MD, MPH, and Shale Wong, MD, MSPH
- [An unbiased view about bias: Not yet](#) by Reshma Jagsi, MD, Scott Rivkees, MD, and Valerie Opiari, MD
- [Cell-based therapies in neonates: the emerging role of regulatory science](#) by Jonathan Davis, MD, and DeWayne Pursley, MD