

Could Biden's FTC trip up his cancer moonshot?

By **MAX TANI** and **ALEX THOMPSON** | 03/21/2022 06:29 PM EDT

Welcome to POLITICO's West Wing Playbook, your guide to the people and power centers in the Biden administration. With help from Allie Bice.

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JOE BIDEN's appointments to the Federal Trade Commission have been interpreted as a sign of his seriousness about tackling anticompetitive and unfair business practices.

But now, [that tough anti-monopoly approach](#) is running squarely into an issue with deep personal significance to the president: battling and ultimately eliminating cancer.

In two recent letters sent to the Biden administration, dozens of congressional Democrats have urged the administration to push for expanded access to a multi-cancer early detection (MCED) device developed by Grail.

The medical device startup developed a first-of-its-kind blood test that it says can screen for dozens of different types of cancer. The company was recently acquired by Illumina, the leading maker of gene-sequencing machines, which would analyze those MCED tests and potentially save thousands of lives from the early-stage detection of cancers that are [often diagnosed at later, more dangerous stages](#).

But Illumina's purchase of Grail has [come into the crosshairs of the FTC](#) amid the Biden administration's [push for stronger antitrust enforcement](#) in sectors like tech, pharmaceuticals, and agriculture.

The regulatory agency has brought an antitrust case against Illumina, arguing that by purchasing Grail, which is ahead of competitors in developing MCED tests, it could severely disadvantage other companies hoping to make MCED

tests. Potential future competitors, the agency notes, would almost certainly rely on Illumina's gene-sequencing technology as well. And that, in turn, could incentivize the company to raise costs on others who use its technology, which the FTC argues will drive up the price for tests, and reduce future competition.

"Allowing Illumina to purchase Grail and act on the incentives created by the acquisition would cause substantial harm to U.S. consumers, who would experience reduced innovation, as well as potentially higher costs and reduced choice and quality for these life-saving products," [a March 2021 FTC filing stated](#).

The aggressive stance on antitrust has pleased many on the left, who felt that recent Democratic administrations have not been nearly aggressive enough on that front. But other Democrats are not convinced that this is the merger where the FTC should flex its muscles.

In a March 15 letter addressed to Biden [obtained by West Wing Playbook](#), 18 House Democrats referenced Illumina's purchase of Grail (though not by name), saying regulators are "delaying "access to MCEd screening tests to most Americans, especially those reliant on Medicare and Medicaid," and that the holdup would disproportionately affect nonwhite communities.

"Many of these deaths in underserved communities of color are preventable through early screening and detection," the letter reads. "[W]e must make these 'cutting-edge' technologies available to all Americans, as soon as possible."

It wasn't the first time that congressional Democrats have touted the technology to the administration, and protested the current regulatory battle. [In a December letter to HHS Secretary XAVIER BECERRA](#), several dozen members of the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus also took issue with federal regulators, focusing primarily on issues unrelated to health care and health disparities.

Like most letters, the mission is largely symbolic. The White House doesn't have authority to interfere in FTC cases. But one person familiar with the company's thinking said Illumina and other proponents of the merger hope the White House will publicly voice its support for Grail's tests.

Cancer mitigation and prevention is one of the president's top priorities, and represents one of the issues where he remains most personally invested.

During his speech announcing his “Cancer Moonshot” initiatives in February, the president noted that cancer is often diagnosed too late, particularly among nonwhite and underprivileged communities.

Proponents of the merger are now using Biden’s own comments to attempt to convince him to back their cause and overlook — at least in this one case — his pledge to get tough on corporate mergers.

“And here’s what we’re fighting and how we know what cancer looks like today: a disease where we often diagnose it too late and we have too few effective ways to prevent it,” Biden said. “The stark inequities based on race, disparity, ZIP Code, sexual orientation, gender identity, and other factors still persist.”

TEXT US — Are you LINA KHAN, FTC Commissioner and antitrust innovator? We want to hear from you (we’ll keep you anonymous).

Or if you think we missed something in today’s edition, let us know and we may include it tomorrow. Email us at westwingtips@politico.com or you can text/Signal/Wickr/WhatsApp Alex at 8183240098 or Max at 7143455427.

POTUS PUZZLER

From [the University of Virginia’s Miller Center](#)

Which president's house was attacked by a mob post-presidency?

(Answer at the bottom.)

THE OVAL

RICHETTI WORLD — Longtime lobbyist **JEFF RICCHETTI**, brother of top Biden aide **STEVE RICCHETTI**, has a new client for his firm: Pardes Biosciences, a company founded at the outset of the pandemic to create therapeutics for Covid-19.

The company is trying to establish a Washington footprint with Jeff and also registering an in-house lobbyist, POLITICO’s **MEGAN WILSON** and Alex report. Pardes Biosciences has raised more than \$200 million, according to [the San Diego Business Journal](#), and went public in late December through a Special Purpose Acquisition Company, or SPAC.

Recently filed lobbying disclosures show that the company is seeking to advocate on issues related to "funding for COVID-19 therapeutics, specifically oral antivirals," the Strategic National Stockpile and pandemic preparedness generally. It is racing to test PBI-0451, the company's oral antiviral medication, which is in Phase I trials.

Jeff Ricchetti has said in the past that he doesn't lobby his politically powerful sibling — with whom he co-founded lobbying firm Ricchetti Incorporated more than two decades ago. Asked if Jeff has any meetings or calls with any White House officials on behalf of the company, a White House official said there'd been no contact.

KAMALA EXIT — Vice President **KAMALA HARRIS**' National Security Adviser **NANCY McELDOWNEY** is leaving, [Reuters' NANDITA BOSE scooped](#). McEldowney's deputy, **PHILIP GORDON**, is taking her place.

CATCH UP ON UKRAINE: [ALEX WARD and QUINT FORGEY have the rundown in today's National Security Daily.](#)

AGENDA SETTING

FIVE YEARS LATER — The Biden administration today said the [Rohingya Muslims of Myanmar were victims of genocide](#), abused by their country's military for years, our **NAHAL TOOSI** reports. The official designation by the U.S. may help the Rohingya build an international legal case against Myanmar's military and comes after years of demands the U.S. make a more formal recognition of what happened.

GAS MONEY — The EU is [seeking the U.S.'s help as it tries to cut its dependence on Russian gas](#), asking for more liquefied natural gas as America's output of it has soared in recent years. But our **ZACK COLMAN** and **BEN LEFEBVRE** report that the president faces limits as far as how much help he can provide.

American gas exporters are already shipping it overseas "as fast as they can, with little new capacity due to come online during the next two years. And Biden cannot command the activities of private oil and gas companies — who will typically sell their product wherever in the world they can fetch the highest price," the pair writes.

THE BUREAUCRATS

PETE TAKES ON TEXAS/FLORIDA — Transportation Secretary **PETE BUTTIGIEG** chatted with People Magazine's **KRISTEN O'BRIEN** [about, among other things, initiatives in Texas and Florida that target](#) the LGBTQ community.

Last month, Gov. **GREG ABBOTT** (R-Texas) ordered the state to investigate transgender children receiving gender-affirming care as child abuse. In Florida, the state Legislature passed a bill that would prevent classroom instruction on sexual orientation and gender identity. The bill specifies these restrictions for kids in kindergarten through third grade, though the [vague language could mean](#) they're applied to other grades as well.

"Unfortunately, we've seen a pattern of politicians targeting vulnerable people for political gain," Buttigieg said. "And I think that's what's happening here. In Texas, what's especially troubling is turning against parents, actually threatening parents who support their kids. When parental support is one of the biggest things that stands between vulnerable, queer youth and the risk of suicide."

ADVISE AND CONSENT

JOE AND JOHN — The first day of Supreme Court confirmation hearings for Judge **KETANJI BROWN JACKSON** involved now-traditional judiciary committee theatrics: Democrats praised her resume, Republicans attacked it. They also argued Democrats had been unfair in past hearings. Sen. **TED CRUZ** (R-Tex.), for one, noted that **JOE BIDEN** himself voted against confirming **JOHN ROBERTS** to the Court in 2005.

Biden did indeed oppose Roberts, joining basically every other Senate Democrat planning to run for president in 2008. Of course, he never claimed it was political. Instead, he argued that it was about Roberts' secrecy, in particular noting that he didn't get an answer about whether the Constitution granted citizens the right to die on their own accord.

"Do you think the Constitution encompasses a fundamental right for my father to conclude that he does not want to continue ... on a life support system?" Biden asked at one point.

"Well, Senator, I cannot answer that question in the abstract, because..." Roberts responded. At that point, Biden cut him off. "That's not abstract. That's real."

Announcing his opposition, Biden said it was "a close call" but that, ultimately, Roberts "did not provide to the American people any assurances that he embraced, fully, the constitution's enduring values when it comes to fundamental constitutional rights."

WHAT WE'RE READING

[ICE Is Creating A New Policy For Subpoenaing Reporters After Trying To Force BuzzFeed News To Turn Over Information](#) (BuzzFeed's Hamed Aleaziz)

[How Russia's aggression in Ukraine in 2014 and 2015 is shaping Biden's actions today](#) (WaPo's Ashley Parker and Ellen Nakashima)

[White House believes Russia is seeing big drop in oil sales, imperiling key source of funding](#) (WaPo's Jeff Stein)

WHERE'S JOE

He received the President's Daily Brief. He also participated in a Ukraine/Russia call with French President **EMMANUEL MACRON**, German Chancellor **OLAF SCHOLZ**, Italian Prime Minister **MARIO DRAGHI** and British Prime Minister **BORIS JOHNSON**.

The president also participated in the Business Roundtable's CEO Quarterly Meeting.

WHERE'S KAMALA

She headed to Sunset, Louisiana today, where she toured a community library and met with local residents to discuss the importance of high-speed internet. She also delivered remarks regarding the administration's efforts to make high speed internet more affordable and accessible.

She traveled back to the White House this afternoon.

THE OPPO BOOK

We've previously noted that **SARAH BIANCHI**, the deputy U.S. trade representative, knows **AL GORE**'s family really well. She worked on Gore's 2000 presidential campaign, after rooming with **KARENNA GORE** [when the two attended Harvard University](#).

What we didn't mention was what her reputation was like back then. Karenna [told The New York Times back in 2000](#) that she was "not afraid to be the buzz kill" in staff meetings.

"When there's something that might play well politically," she said. "Sarah's always the reality check."

All good crews need to have a buzz killer.

POTUS PUZZLER ANSWER

MILLARD FILLMORE, despite being very popular post-presidency among Buffalo, N.Y. elites, was the subject of continued animosity over his enforcement of the Fugitive Slave Act, even after he had left the Oval Office. After the assassination of **ABRAHAM LINCOLN**, a mob descended on Fillmore's opulent home and threw black paint on the building.

For more about Fillmore and his presidency, visit millercenter.org.

A CALL OUT — Think you have a more difficult trivia question? Send us your best question on the presidents with a citation and we may feature it.

Edited by Sam Stein