
OLYMPIA INDIVISIBLE

Research Report: October 28, 2017

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1. The Trump Tax Scam – What Happens Next

Information from Indivisible.org

Summary: Republicans have completed Phase 1 of their #TrumpTaxScam. *Now the fight is on.* On Thursday, 216 House Republicans voted to pass the budget resolution, a critical first step in passing the Trump Tax Scam. That means the stage is set for Republicans to cut taxes for the rich and corporations by forcing cuts to Medicaid, Medicare, and Social Security down the road -- unless we stop them.

Talking Points:

- The Trump Tax Scam is a massive giveaway to the wealthy and corporations, paid for by raising taxes on some middle class families and forcing deep cuts to Medicaid, Medicare, and Social Security down the road. Republicans want to [eliminate taxes](#) that only affect the wealthiest individuals and [let corporations](#) pay even less than they already do. The vast majority of the benefits from the Republicans' plan will go to the top 1%, which will exacerbate our country's [massive racial wealth gap](#).
- **Republicans are expected to unveil the full text of their tax bill on Wednesday, after months of speculation.** Two memos showed early on that "tax reform" is nothing more than giveaways for Trump and his buddies.
- **Then, the race to give their rich Republican donors is really on.** After Republicans introduce their bill on Wednesday, we expect the House to begin marking up their bill during the week of November 6 and they may vote as early as the week of November 13. As soon as the House votes, the Senate will begin marking up their bill. The Senate will likely vote on their bill right before or right after Thanksgiving.
- **But we. can. stop. this. Republicans are already struggling to get this bill off the ground.** The House had 20 Republicans defect during their vote on the budget resolution teeing up the Tax Scam. If we demonstrate widespread opposition to their bill from the beginning -- if we show up, if we make calls, if we write letters to the editor, if we out organize them -- we can control the narrative.

Our MoCs:

- Denny Heck voted against the tax bill in the House on October 26th
- All Democratic senators voted against the senate tax bill earlier in the month.

To Do:

- Call our MoCs and thank them for voting against the tax bill in the House and Senate.
- From re.act: [Use this form to submit a letter to the editor](#) to your local newspapers on the so-called tax reform. Includes tips, samples, and more. ([Click to tweet](#))
- **Tune in to Facebook Live on MONDAY 10/30 at 8:30 PM ET/5:30 PM PT.** Indivisible will be joined by Emanuel Nieves of Prosperity Now to discuss the impact of the #TrumpTaxScam proposal, particularly on communities of color. [Like us](#) on Facebook now and you'll get a notification when we go live!
- Get ready for a **National Call In Day on November 2:** After Republicans drop their bill on Wednesday, Indivisible will provide a full analysis, call scripts, and contact information.
- **Get ready for National Week of Action to defeat the #TrumpTaxScam, 1**

Additional Background Information:

Senate passes budget resolution, House passes it October 26: The Senate passed its budget resolution this week by a 51-49 vote. A budget resolution passed by both houses is required as a condition for the Senate to use budget reconciliation rules to pass tax changes with 50 votes rather than the usual 60 votes.

The House passed it on October 26. The House passed the Senate budget resolution with a narrow 216-212 vote. No Democrats voted for the resolution and 20 Republicans voted against it. A key holdout bloc consisted of Republican lawmakers from states with high local tax burdens (members from New York, New Jersey and Pennsylvania), who have resisted the GOP's plan to eliminate or at least scale back the income-tax deduction for state and local taxes

The resolution sets conditions both for tax changes and for congressional spending bills. It would result in a tax bill which would increase the deficit by at least \$1.5 trillion over ten years. It would require \$660 billion in cuts in discretionary spending and far more in entitlement spending. It is estimated to require \$500 billion in Medicaid cuts and \$1 trillion in Medicare cuts over ten years.

The outline of a tax plan unveiled in September would cut the corporate income tax rate to 20% from 35%, collapse individual income tax brackets from seven to three, with tax rates of 12%, 25% and 35%, and double the standard deduction to \$12,000 for individuals and to \$24,000 for married couples filing jointly.

Despite the passage of the budget bill, passage of the Republican tax bill (a draft of which has not yet been released) is far from certain, with a number of Senate Republicans (including Bob Corker) insisting they will not vote for a tax bill that increases the deficit. The hardest decisions on how to mitigate the costs of the tax proposal have yet to be made. Those include whether to cut or eliminate the current deduction for state and local taxes, the tax treatment of 401(k)'s, and whether Senate budget hawks will vote for a bill that will increase the deficit by \$1.5 trillion. This is in addition to whether there are votes to make the deep spending cuts required under the budget. Many votes for the budget were made simply to move the process along.

Republican tax bill schedule: The House tax bill is expected to be released Wednesday, November 1. The House Ways and Means Committee plans to take up the bill the week of November 6-10. The Senate Finance Committee will begin its own markup on November 6. Ryan has told members he wants the House to approve a tax bill by Thanksgiving.

2. Congress Needs to Reauthorize the Children’s Health Insurance Program (CHIP) – Oppose HR 3921

Information from Indivisible.org

Summary: House Republicans want to pass a partisan CHIP bill. House Majority Leader Kevin McCarthy (R CA-23) announced Thursday that the House would vote on a bill to fund the Children’s Health Insurance Program (CHIP) next week. However, the Healthy Kids Act (H.R. 3921) extends CHIP by taking money away from the Affordable Care Act and weakening Medicare.

Talking Points:

- The Children’s Health Insurance Program ensures nearly 9 million children have health insurance. CHIP is a federal-state partnership where the federal government provides most—or in some cases, all—of the funding necessary to cover uninsured children. Federal funding was increased as part of the Affordable Care Act.
- Congress is using the health insurance of 9 million kids as a political football. Bipartisan negotiations in the House fell apart over how to pay for CHIP. However, Majority Leader Kevin McCarthy (R CA-23) has announced that the House will vote on a partisan bill to fund CHIP next week. The Healthy Kids Act (H.R. 3921) extends CHIP by taking money away from the Affordable Care Act and weakening Medicare. We need to reject the premise that we can only offer healthcare to children by taking it away from others.
- If Congress doesn’t act soon, states will start running out of money. Some states have already stopped taking new applications for CHIP. Check the map below to see when your state runs out of CHIP funding. Call your Member of Congress to tell them to reauthorize CHIP ASAP but using a bipartisan approach that won’t harm the American health care system!
- Washington State has separate CHIP coverage; the FY 2018 budget assumes continued federal funding; the FY 2018 budget assumed ACA enhanced match continues. Washington estimates that it will exhaust federal funding in the first quarter of 2018.

MoCs:

- Congressman Heck: (from FB) Here are things we can all agree on. An easy one: our kids should have the chance to grow up healthy! That’s why at the very minimum, we need to reauthorize the Children’s Health Insurance Program (CHIP).

To Do:

- [Call your MoC and tell them to reauthorize CHIP using a bipartisan approach that won’t harm the American health care system.](#)
- Script: Hello! My name is [] and I’m calling from [part of state]. I’m calling to ask that the [MoC] support reauthorization of the Children’s Health Insurance Program immediately, using a bipartisan approach. Our state runs out of funding the first quarter of 2018, so it’s really important that Congress do this immediately. I appreciate [MoC]’s support.

3. Women's Reproductive Rights – Oppose HR 490

Information from Indivisible.org

Summary: Republicans are coming after women's reproductive rights.

Talking Points:

- The House Subcommittee on the Constitution and Civil Justice will hold a hearing on November 1 on HR 490, "Heartbeat Protection Act of 2017." This bill is a draconian, anti-choice piece of legislation that would make it a federal crime for a doctor to perform an abortion on any woman whose fetus has a detectable heartbeat (which is at 6 weeks, well before many women even realize they are pregnant).
- The "Heartbeat Bill" effectively bans all abortions starting six weeks into a pregnancy by making it a crime for a physician to knowingly perform an abortion without determining "whether the fetus has a detectable heartbeat," "without informing the mother of the results," or "after determining that a fetus has a detectable heartbeat." The sole exception to the ban is for an abortion which is medically necessary to save the life of the woman—ignoring a woman's psychological state, even in instances of rape or incest.
- Your MoC needs to hear from you that the Heartbeat Bill is a horrifying, extreme attack on reproductive health and a woman's right to choose.

Our MoCs:

- Our MoCs have consistently supported a women's right to choose.

To Do:

- Call your MoC and tell them you oppose this effort to criminalize women's reproductive health.
- Script: Hello! My name is [name] and I'm from [part of state]. I'm calling to ask [MoC] to oppose the Heartbeat Protection Act of 2017 (H.R. 490). We must maintain access to safe and affordable abortions for all women in [part of state]. I appreciate [MoC]'s support.

4. Don't Let Trump Spy On Us: Tell Congress Not to Extend Unconstitutional Surveillance Authority – Support S 1997 and HR 4124

Information from Indivisible.org

Summary: A key part of the Trump administration's surveillance authority is set to expire at the end of 2017, unless Congress reauthorizes it. Every Member of Congress is going to have to decide whether to protect Americans' privacy, or to leave unconstitutional spying authority in Trump's hands.

Talking Points:

- No president should be afforded such a powerful tool—especially Trump. The U.S. government is no stranger to abusing its surveillance powers, and has a history of particularly targeting activists and marginalized communities. Trump has repeatedly threatened these groups and others, and displayed willingness to violate rights under the guise of “security.” Extending his surveillance authority would only give him one more tool to abuse, and make us less safe.
- Section 702 is supposed to support foreign intelligence gathering, but its sweeping language and implementation subject Americans to warrantless surveillance, too. Section 702 doesn't require the administration to limit its spying to foreign terrorism suspects or foreign agents—the government can “target” any foreign person outside the U.S. as long as it's looking for “foreign intelligence information.” That could be someone's relative or friend overseas, a journalist's source, an organization's staff member, etc., As a result, Americans' conversations to, from, or about those “targets” can be swept up in the process.
- A practice called “backdoor searches” makes things even worse: the FBI routinely searches through the huge database of collected messages for Americans' information and communications without a warrant or even any suspicion of wrongdoing.
- The Fourth Amendment of the Constitution protects us from unreasonable searches and seizures.
- A bipartisan and bicameral bill has been introduced by Senators Wyden and Paul, and Representatives Lofgren and Poe. This legislation, the USA RIGHTS Act, sets out important reforms to better protect Americans against unconstitutional searches under 702. The Senate bill is S. 1997 and the House version of the bill is H.R. 4124.

Our MoCs:

- No recent information.

To Do: Call your Members of Congress and tell them: don't let Trump spy on us - close the “backdoor search” loophole, or let Section 702 expire.

- Script: Hi! My name is [name] and I'm a constituent calling from [part of state]. I'm calling because I'm concerned about Trump's wide-ranging surveillance authority, and I want to urge Senator/Representative [name] not to reauthorize Section 702 of the FISA Amendments at the end of the year without closing the “backdoor search” loophole. In support of this reform, Senator/Representative should cosponsor the bipartisan USA RIGHTS Act from [for Senate: Senators Wyden and Paul, for House: Representatives Lofgren and Poe].

5. Want to Help Turn Virginia Blue?

Information from Indivisible.org

Summary: The voters of Virginia go to the polls to vote for governor on Tuesday, November 7th. Lt. Gov. Ralph Northam is the Democratic candidate.

Talking Points:

- Virginians go to the polls in the first state-wide elections since Trump was elected. This is the first real test of our movement's ability to turn the resistance into electoral power and **we. can. WIN.**
- The national Indivisible organizing team has built a tool (similar to the blue state calling tool from the healthcare fight!) where **you can call or text voters in Virginia to encourage them to vote.** It is a virtual phone banking and text banking volunteer program so that anyone, anywhere can Get Out the Vote in Virginia! All you need is a computer or tablet and a comfy chair

To Do: Can you sign up for a volunteer shift before the election to help get others out to vote?

- **Who:** You and your friends!
What: Virtual phone bank for progressive Virginia House of Delegate candidates!
Where: On your computer
When: 10/28, 10/29, 11/4, 11/5, 11/6, or 11/7, with various volunteer shifts available each day
[RSVP here now!](#)

6. Oppose Amy Coney Barrett for US Court of Appeals

From 5 calls

Summary: The Trump administration's nomination of Amy Coney Barrett for a lifetime position on the US Court of Appeals poses a grave threat to our system of justice, specifically for reproductive rights.

Talking Points:

- Barrett believes that a judge does not need to adhere to precedent if they personally believe the case was wrongly decided, including case decisions in opposition to their religious beliefs. The Alliance for Justice, a progressive judicial advocacy group, stated, "These views are so contrary to our system of democracy and justice that, in our view, they clearly disqualify her for the federal bench," and called for the administration to rescind her nomination.
- Barrett has a demonstrated track record of hostility towards reproductive rights and the landmark judicial case of Roe v Wade, stating that abortion is "always immoral" and that the legal precedence of Roe v Wade was fair to challenge. Her nomination not only fulfills Trump's campaign promises to nominate anti-choice candidates, but also continues the dangerous packing of our court system with hyperpartisan judges with lifetime appointments.

To Do: Call our Senators

- Script: Hi, my name is [NAME] and I'm a constituent from []. I'm calling today to ask Senator [Murray / Cantwell] to vote against the confirmation of Amy Coney Barrett to the 7th Circuit Court of Appeals. This nominee has a disturbing track record of prioritizing her personal religious views over legal precedent and would clearly not be able to serve as a fair, impartial judge.

7. Oppose Eric Dreiband as Head of DOJ Civil Rights Division

From 5 calls

Summary: The Department of Justice Civil Rights Division plays a critical role in voting rights, police reform, housing, education, and hate crimes. Not only does the Trump administration's pick for the head of this department, lawyer Eric Dreiband, have no relevant experience in the above, but throughout his career has also consistently fought to support employer discrimination against women, mothers, Muslims, the elderly, and people with criminal records. He has even attacked the Equal Employment Opportunity Commission over their attempts to ensure racial justice and famously defended the University of North Carolina transgender bathroom ban.

Talking Points:

- Dreiband's nomination has been widely condemned by civil rights organizations. "Mr. Dreiband is not simply unqualified for the extraordinary responsibility of leading the nation's civil rights enforcement: he is morally unfit for the job," Mara Keisling, executive director of the National Center for Transgender Equality, said in a statement following his nomination.
- However, his confirmation only requires 51 votes and none of the 52 Republican Senators have voiced any opposition. All our Senators need to hear that their constituents oppose the confirmation of this unqualified and dangerous individual to the DOJ Civil Rights Division.

To Do: Call our Senators

- Script: Hi, my name is [NAME] and I'm a constituent from []. I'm calling today to ask Senator [Murray / Cantwell] to vote against the confirmation of Eric Dreiband as head of the DOJ Civil Rights Division. He is unqualified and has a disturbing track record of supporting discriminatory actions against women, transgender people, Muslims, and many others. Please do the right thing and reserve this important position for someone who actually supports civil rights.

8. Oppose Anti-Voting Rights Thomas Farr for Federal Judgeship

From 5 calls

Summary: Attorney Thomas Farr has a long history of defending policies deliberately designed to disenfranchise black voters.

Talking Points:

- Farr defended a voter-ID law in North Carolina that prevented an estimated 30,000 voters from participating on the 2014 election. A federal court ultimately ruled that the law was unconstitutional because it was designed "with almost surgical precision" to discourage black voters from voting. Farr also defended North Carolina's gerrymandered political districts, districts which the Supreme Court concluded were drawn to dilute the impact of black voters.
- Now, Trump has nominated Farr for a lifetime appointment as a federal judge. To add insult to injury, Farr would fill the longest-running vacancy in the federal court system. This seat has remained open because Senator Richard Burr (R-NC) refused to approve President Obama's nominees for this position (despite Burr having recommended one of the nominees to Obama himself). Once again, Republicans plan to fill a judgeship stolen from the Obama administration with an anti-civil rights, anti-voting rights attorney who would actively work to suppress black voters.
- The courts provide one of the few remaining checks on the Trump administration's crusade against progressive policies and electoral fairness; the court rulings against the discriminatory policies Farr himself defended demonstrate the need for federal judges who are committed to protecting voting rights.
- On October 19th, the Senate Judiciary Committee voted 11-9 along party lines to advance Farr for final confirmation. A full Senate vote is expected soon.

To Do:

- Script: Hi, my name is [NAME] and I'm a constituent from []. I'm calling to express my opposition to Thomas Farr's nomination for a federal judgeship. Farr has a long track record of defending unconstitutional voter suppression laws and cannot preside impartially over cases involving civil and voting rights.

9. National Parks Entrance Fees

Information from re.act

Summary: The National Park Service proposes more than doubling the entrance fees at 17 popular national parks, including Grand Canyon, Yosemite, and Yellowstone, to help pay for infrastructure improvements. ([CNN](#))

Talking Points:

- Under the agency's proposal, the entrance fee for a private vehicle would jump to \$70 during peak season, from its current rate of \$25 to \$30.
- [The National Park Service](#) said the increase would help pay for badly needed improvements, including to roads, bridges, campgrounds, waterlines, bathrooms and other visitor services at the parks. The fee hikes could also boost national park revenue by \$70 million per year, it said."

Our MoCs:

- No information.

To Do:

- [Leave a public comment on proposed the rate increase with the National Park Service.](#) As the NPS writes, "the public is encouraged to comment about the National Park Service's proposal to implement peak season entrance fees at 17 national parks. A 30-day public comment period will open on October 24, 2017 and close on November 23, 2017." ([tweet](#))

10. Other Issues

A. Health care

Trump discontinues cost-sharing reduction payments: Last week Trump announced that he would discontinue cost-sharing reduction payments. Those payments, totaling \$7 billion a year, are made to insurance companies to fund their costs for making payments of deductibles and co-pays for low-income people on their insurance plans. Under the ACA, those payments by insurers are required.

A drafting error in the ACA left no specified funding source to reimburse them. The Obama Administration found available funds and made the payments. House Republicans sued to stop the payments arguing that they were not authorized by Congress, but the court decision was stayed while the case is on appeal, allowing the payments to continue. The Trump Administration has not continued to fight the case, but outside groups have taken it up so the stay remains in effect.

The projected impacts of discontinuing the payments is that one million people will lose health insurance (because it will become unaffordable), health insurance premiums on ACA exchange marketplaces are estimated to rise by 20%, and federal costs will rise by nearly \$200 billion. These impacts are related both to how insurance companies price premiums on the exchanges and to ACA premium subsidies.

There are limits in the ACA as to how increased insurer costs can be recouped. An insurer cannot charge older patients more than three times the costs for younger patients. An insurer cannot charge more for people with pre-existing medical conditions or exclude them from buying insurance. An insurer must make payments for low-income people's co-pays and deductibles. In order to recover their costs in exchange markets, an insurer must charge all purchasers more, raising all purchasers' coverage costs. As a result, the loss of \$7 billion in exchange markets is projected to increase insurance premiums by 20%.

But the 20% increase will not hit all people equally. Under the ACA, subsidies are provided to all people earning less than \$70,000 a year, paid on a sliding scale, with more subsidy reductions for those earning \$50,000 or more. When premiums rise, so do the subsidy payments. The projected 20% premium increase translates to nearly \$200 billion in increased subsidy payments. But the subsidies are lower for those earning over \$50,000 a year and are non-existent for those earning over \$70,000 a year. The full costs of higher premiums resulting from eliminating the cost-sharing reduction payments will fall on those households.

Trump said he might be open to congressional action to maintain the subsidies.

Murray and agree on ACA stabilization plan, Trump both supports and opposes it: Shortly after Trump's action, Senators Lamar Alexander and Patty Murray, chairman and ranking member on the Senate Health, Education, Labor and Pensions (HELP) committee, came to an agreement on legislation to maintain the cost-sharing reduction payments for 2017 through 2020 to stabilize ACA exchange markets. They had been negotiating for a few months. Republicans wanted to stabilize them because they feared that they would take the blame for the chaos caused if prices shot up when Republicans were in control in Congress and the White House. Democrats wanted to maintain the payments because they are invested in the ACA and its effectiveness.

To get the Republican votes needed to pass a bill, Republicans needed some additional provisions conservatives wanted, focused on increased state flexibility under the ACA.

The agreement provides that: cost-sharing reduction payments to insurance companies will continue for three years (2017-2020); money will be provided to fund publicity for people to buy insurance on ACA exchanges; catastrophic health plans, now limited to those under 30 years of age, will be available for purchase by older users; some additional flexibility will be provided to states under the ACA.

The bill draft has not yet been unveiled, so not all the details are clear. It is unclear whether the flexibility and catastrophic plan provisions are limited to three years, as the cost-sharing reduction payments are. It is also unclear what the details of the increased flexibility to states would consist of.

Paul Ryan has said he will not bring up such a bill in the House because it is not “repeal and replace.” John McCain has said he looks “forward to supporting “ the plan. He added that he hopes the plan is “a sign of increased bipartisanship moving forward.” Democrats say there are at least 12 Republicans in the Senate that will support the bill. Majority Leader McConnell says he is open to allowing a vote on the bill, but only if he is clear just what kind of bill Trump would sign.

This is an issue because Trump has made a number of both statements about the legislation, some supporting its passage, others opposing it. He made at least five statements (both for and against) in the first 24 hours after the compromise was unveiled, and has continued his back and forth statements.

On October 20, the administration privately signaled to House Republicans that a bill would have to eliminate the ACA’s insurance mandate. Because that provision is critical to maintaining the viability of ACA exchange markets, the proposal would be unacceptable and a deal-killer for Senate Democrats. It is unclear whether this Administration position reflects Trump’s position, or just that of HHS head Tom Price.

Hatch-Brady plan undermines Alexander-Murray compromise: Vox reports that a new plan from Senate Finance Committee chairman Orrin Hatch and House Ways and Means chairman Kevin Brady undercuts the bipartisan Lamar Alexander-Patty Murray compromise. The proposal would fund cost-sharing reduction payments for two years, with anti-abortion restrictions (rather than three in the bipartisan bill), but would also suspend the ACA individual mandate from 2017 to 2021 (undermining ACA exchange markets), suspend the employer mandate from 2015 to 2017 (retroactively), expand health savings accounts. This proposal would be unacceptable to Senate Democrats, likely (though not certainly) ensuring that it would not pass. If it did pass, the help provided to ACA exchange markets with cost-sharing reduction payments would be more than undone by suspending the individual mandate. Within the insurance industry, the proposal is seen as a deliberate attempt to undercut Alexander-Murray.

Trump executive order on association health care plans: Last week Trump issued an executive order on association health care plans. The order would allow smaller businesses to band together to buy health care plans which would not have to follow the essential health benefits and preexisting condition requirements of the ACA which were designed to protect consumers. The result would be plans with lower premiums, but with far fewer benefits and much higher total costs (when deductibles, copays and items not covered are included). Analysts agreed that the result would be to drain off more healthy people from ACA exchange marketplaces and to further destabilize those markets.

ACA exchange markets require a sizeable number of younger healthier people in them to have risk pools large enough and healthy enough to cover the costs of those preexisting conditions and older people while still having plans that remain affordable. That is why the ACA includes an insurance mandate in the first place. Because the mandate requires coverage, premium subsidies were required to make sure that the required insurance was affordable to people of different incomes, regions and ages.

Ferguson sues to block contraceptive access rule: Washington state Attorney General Bob Ferguson filed a federal lawsuit in US District Court in Seattle to block Trump rules eliminating requirements requiring insurers and employers to cover contraceptives in their health insurance plans under ACA requirements for health coverage. Ferguson charged Trump with violating the equal-protection clauses and constitutional guarantees of religious freedom by allowing companies to use religious beliefs as a right to deny women a federally entitled health benefit.

B. Russia connection

Senators call for online ad disclosures to respond to Russian social media use, tech lobby opposed: Senators McCain, Warner and Klobuchar joined to propose legislation, the Honest Ads Act, to force tech ad companies to disclose who is purchasing online political advertising. The legislative proposal follows revelations that Russians were using ads on Facebook and Google to spread divisive messages to increase turnout for Trump, suppress turnout for Clinton and to encourage American social divisions. Currently, Facebook and Google captured an estimated 85% of all digital political ads. Facebook sold ads to a Russian company linked to the Russian government and Google sold ads to accounts believed to be connected to the Russian government.

The bill would require internet companies to provide information to the Federal Election Commission (FEC) about who is paying for online ads. The tech industry is mobilizing numerous lobbyists and lawyers to help shape proposed regulations. Facebook has told congressional aides that it is too difficult to figure out if an ad is political because candidates are often changing messages and topics. With the sheer number of ads on the site, Facebook said that the engineering involved with identifying political ads would be extremely challenging.

Since 2006, most online political activity has been exempt from the rigorous regulations paid television, radio and print political advertising has been subject to for many years. The FEC justified the internet exemption rule by declaring that the internet is a “unique and evolving mode of mass communication and political speech...that warrants a restrained regulatory approach.”

Julian Assange confirms that Cambridge Analytica sought WikiLeaks help in getting missing Hillary Clinton emails: The Daily Beast reported that Cambridge Analytica CEO Alexander Nix made contact with Julian Assange about his firm somehow helping Assange, the founder of WikiLeaks, release Hillary Clinton’s missing emails. The Guardian reported that Assange has confirmed the report, but said that WikiLeaks had not turned Nix down.

Cambridge Analytica is a data mining firm founded and controlled by far-right wing billionaire Robert Mercer and his daughter Rebekah Mercer. The firm was deeply involved in the Trump campaign’s digital activities. The Mercers were central in getting Trump to hire Steve Bannon and Kellyanne Conway, both of whom had worked for groups they had funded. Suspicion over how Russian online activities were targeted often focus on Cambridge Analytica data mining. The firm’s work was key to the Trump campaign focus on Wisconsin and Michigan in the late weeks of the 2016 campaign. Since these reports have come out, the Trump campaign has said the firm had no role in the campaign, which is untrue.

Google uncovers Russian funded campaign ads: The Washington Post reported that Google found tens of thousands of dollars were spend on ads by Russian agents who aimed to spread disinformation through their platforms, including YouTube, as well as advertising associated with Google search, Gmail and the firm’s DoubleClick ad network. The ads do not appear to be from the same Kremlin-affiliated troll farm that bought ads on Facebook. This suggests that the Russian effort to spread disinformation online may be a much broader problem than tech firms have discovered so far.

Russians create fake content and posts on Tennessee Republican site: The Washington Post reported that Russian operatives used a fake Twitter account that claimed to speak for Tennessee Republicans to persuade American politicians, celebrities and journalists to share select content with their own massive lists of followers. The list of prominent people who tweeted out links from the account, @Ten_GOP, which Twitter shut down in August, includes political figures such as Michael Flynn and Roger Stone, celebrities such as Nicki Minaj and James Woods, and media personalities such as Ann Coulter and Chris Hayes. There is no evidence that any of them knew the account was run by Russians. Independent researchers had suspected the account was Russian, and their work was confirmed October 19.

CIA director distorts intelligence community’s findings on Russian interference: The Washington Post reported that CIA director Mike Pompeo declared that the US intelligence agencies determined that Russian interference in the 2016 presidential election did not alter the outcome of the election. In reality, the report by US

intelligence agencies declared in January that they did not make an assessment of the impact that Russian activities had on the outcome of the 2016 election. They said that US spy agencies do not analyze US political processes or US public opinion.

Mueller interviewed Sean Spicer: Politico reported that former Trump press secretary Sean Spicer met with Robert Mueller's prosecutors last week. It reported that Spicer was grilled about the firing of former FBI director James Comey and his statements regarding the firing, as well as about Trump's meetings with Russian officials including one with Foreign Minister Sergei Lavrov in the Oval Office. Former chief of staff Reince Priebus met with Mueller's prosecutors on October 13. Mueller's team also met with Keith Kellogg, who served as interim National Security Advisor after Flynn was fired.

Judge tosses libel suit against AP by Russian oligarch: Politico reported US District Court judge Ellen Huvelle dismissed a libel lawsuit against the Associated Press (AP) by Oleg Deripaska, a Russian oligarch involved with Paul Manafort. The suit alleged that the AP falsely implied that Deripaska was paying Manafort for work aimed at advancing the goals of the Russian government and Putin. The suit also said a widely-publicized article published by the AP in March created a false impression that Deripaska's dealings with Manafort were intertwined with the Trump campaign, despite the fact that the two men ended their work together by 2009.

The judge concluded that Deripaska is a "limited-purpose public figure" under American libel law. That triggered a need for the Russian businessman to allege the AP knew its story was false or acted with reckless disregard for the truth, which she said he had not done. The judge also wrote that "Deripaska is no stranger to news coverage related to his role as a Russian oligarch and one of Putin's closest confidantes."

Trump accuses FBI of conspiring against him: In a tweet, Trump accused the FBI of conspiring against him in cooperation with Democrats. He also accused the FBI of prematurely ending the email investigation into the Hillary Clinton email server.

Nunes subpoenas dossier firm: Devin Nunes, chair of the House Intelligence Committee, who is supposedly recused from the Russia investigation, issued his own subpoenas for Peter Fritsch and Thomas Catan, partners in Fusion GPS, which produced the Trump dossier. The two men took the 5th and refused to answer questions during their closed-door appearance before the committee.

Attorney representing Clinton campaign and Democratic National Committee (DNC) funded Christopher Steele dossier: The Washington Post reported that the Christopher Steele dossier, commissioned by Fusion GPS, that was initially funded by an as-yet unidentified Republican donor, was later funded by Marc Elias, a Perkins Coie attorney representing the Clinton campaign and the DNC. Fusion GPS gave Steele's reports and other information to Elias. It is unclear how or how much of that information was shared with the campaign and the DNC and who in those organizations was aware of the roles of Fusion GPS and Steele.

Fusion GPS's work researching Trump began during the Republican presidential primaries, when the GOP donor paid for the firm to investigate the real estate magnate's background. Fusion GPS did not start off looking at Trump's Russia ties but quickly realized that those relationships were extensive. When the Republican donor stopped paying for the research, Elias, acting on behalf of the Clinton campaign and the DNC, agreed to pay for the work to continue. The Democrats paid for research, including by Fusion GPS, because of concerns that little was known about Trump and his business interests. It is standard practice for political campaigns to use law firms to hire outside researchers to ensure their work is protected by attorney-client and work-product privileges. The Clinton campaign paid Perkins Coie \$5.6 million in legal fees from June 2015 to December 2016, according to campaign finance records, and the DNC paid the firm \$3.6 million in "legal and compliance consulting" since November 2015. It's impossible to tell from the filings how much of that work was for other legal matters and how much of it related to Fusion GPS. At no point did the Clinton campaign or the DNC direct Steele's activities. Steele was a Fusion GPS subcontractor.

Devin Nunes and Trey Gowdy starts investigation of Russian uranium deal: The chairs of the House Intelligence Committee and House Oversight Committee said they were teaming up to look at a seven-year-old sale of uranium production facilities to a Kremlin-linked firm. The sale was approved by the Obama administration in 2010, including the Clinton-led State Department. There is no evidence Hillary Clinton was personally involved because the issue was dealt with at a lower level. A recent report in *The Hill* alleged that the FBI was at the time investigating a bribery plot by Russian officials seeking a foothold in the American energy landscape. The issue was described in a Steve Bannon controlled research institute book, *Clinton Cash*, released during the campaign.

Trey Gowdy and Bob Goodlatte start investigation of FBI handling Hillary Clinton email case: The chairs of the House Oversight Committee and House Judiciary Committee announced an investigation of the FBI's decision-making in its investigation into Hillary Clinton's handling of classified information and her use of a private email server to do government work. Republicans have accused Jim Comey of letting Clinton off too easy when he announced he was not recommending she face charges, though he said she mishandled classified information. This is seen as a way to attack Comey and the FBI and to try to discredit them as the Mueller investigation continues.

Russian propaganda may have been shared hundreds of millions of times: The Washington Post reported on research that found that free Russian-planted Facebook posts during the 2016 election could have been seen hundreds of billions of times and perhaps considerably more times. The researcher used a Facebook-owned analytics tool, CrowdTangle, to measure the Russian campaign by looking at the names of those of the 470 Russian-bought accounts that have been identified in news reports and he has also downloaded the most recent 500 posts for each account. For just six of the 470 sites, he found that the content had been shared 340 million times. Identifying the times that posts on just those six sites had been "liked" resulted in 19 million "likes".

The researcher, Jonathan Albright, research director of the Tow Center for Digital Journalism at Columbia University, said that it appeared that the Facebook part of the Russian campaign had two components: first, it identified voters and sorted them based on the issues they responded to. The second step was to target voters in each sorted group with Russian-bought ads shaped to their interests. He said that to the extent that there is a clear motive in the posts, the goal seemed less to inspire enthusiasm for a candidate than to dampen support for voting. It was designed to focus on the fractures in American society and to try to widen them.

Facebook looking at additional ads as possibly linked to Russia: Facebook wrote in a blog post that it is looking at an additional 2,200 ads as possibly linked to Russia that did not come from the Russian Internet Research Agency, a troll factory located in St. Petersburg.

Twitter and Facebook accounts linked to Russia targeted US veterans and active-duty personnel: The Washington Post reported that Russian trolls and others aligned with Russia are injecting disinformation into streams of online content flowing to US veterans and American military personnel on Twitter and Facebook, according to an Oxford University study. The researchers found fake or slanted news from Russian-controlled accounts are mixing with a wide range of legitimate content consumed by veterans and active-duty personnel in their Facebook and Twitter news feeds. These groups were found to be reading and sharing articles on conservative political thought, articles on right-wing politics in Europe and writing touting various conspiracy theories. In some cases, the disinformation reached the friends and families of military personnel and veterans as well, the researchers said. It was not always clear who was creating the content. Twitter, for example, makes it easy for users to hide their true identities.

The report says that the social networks mapped over Twitter and Facebook include both genuine accounts created by U.S. military organizations, by service personnel and veterans themselves, and by groups seeking to influence those users. Some of the accounts are pro-Putin accounts pushing out significant amounts of Russian-oriented content.

The report by Oxford's Project on Computational Propaganda, which has been studying ways that fake news and propaganda reached Americans during the 2016 election and its aftermath, is the first in which the group sought to explore the spread of disinformation on both Twitter and Facebook, and also how links are shared back and forth across these platforms.

The researchers analyzed content between April 2 and May 2 on Twitter including popular hashtags such as #GoArmy or #Iraq to determine what users of these hashtags posted. In some cases, known Russian trolls were using those hashtags to draw attention to content they were promoting. The researchers also tracked information on several military-themed websites and used the traffic to these sites, along with the Twitter data, to determine what Facebook accounts promoted similar content on publicly available pages. That yielded maps of online interaction showing, for example, that accounts that linked frequently to veterans and military issues also in many cases linked to content related to Russia. The kind of information shared by and with veterans and active-duty personnel span a wide range, with liberal political content also common, though not as common as conservative political content. The online military community, the researchers found, also shared links about sustainable agriculture, mental health issues such as addiction, and conspiracy theories. No one subject dominated the online content flowing among these communities, but the largest individual categories dealt with military or veteran matters. Russian disinformation was a smaller but significant and persistent part of the overall information flow.

Senate staffers interview Lewandowski: Politico reported that Senate Intelligence Committee staffers have interviewed Corey Lewandowski, Trump's initial campaign manager.

Mueller is investigating Tony Podesta: Vox reported that Robert Mueller is investigating Tony Podesta, John Podesta's brother, and his firm, the Podesta Group, regarding his work for pro-Russian Ukrainians a few years ago. Both Podesta's and Paul Manafort's firms represented a Ukrainian non-profit group, the European Centre for a Modern Ukraine between 2012 and 2014. The group was attempting to improve the image of the Ukrainian regime at the time, which was pro-Russian and under scrutiny for its treatment of their domestic opposition.

CNN had previously reported that the Podesta Group repeatedly contacted the State Department about Ukraine's 2012 election, trying to put a positive spin on the regime's handling of the elections. But they didn't disclose the full extent of their work in federal lobbying filings until early in 2017. That failure to disclose has caught Mueller's attention.

Both Tony and John Podesta formed the lobbying group four decades ago, John Podesta has not been affiliated with it for many years, and there is no indication that he is a subject of Mueller's investigation. Tony Podesta was Senator Eugene McCarthy's campaign manager in 1968, when he ran against Lyndon Johnson and then Hubert Humphrey for the Democratic presidential nomination.

C. International

Trump refuses to certify Iran's compliance with nuclear agreement, challenges Congress to amend it: Under a law Congress passed after Obama signed the Iran nuclear agreement, every three months the president must certify that Iran is complying with the deal and that it is in our national interest. Trump was planning to pull out of the agreement, which would have freed up Iran to develop a nuclear weapon.

None of the five other countries who signed the agreement (Russia, China, Germany, France, Britain) will pull out and the UN (which adopted the deal after it was signed) would not agree that Iran was not in compliance, because the IAEA, which holds frequent inspections, said it is in compliance. While Iran has taken many dangerous actions which destabilize the Middle East, and has worked on missile technology, it has not violated the nuclear deal. That agreement led to its exporting nearly all its nuclear material, destroying all its centrifuges and all the high-efficiency ones, and submitting to a vigorous inspection regime.

As a way to divert Trump, his advisors urged him to not certify the agreement is in the US national interest and to punt the issue of whether to stay in the deal and any sanctions to Congress, while privately urging Congress to take no action. Trump partially followed that advice, but not fully. He said that if Congress does not adopt a list of actions which Iran must comply with and which would be added to the agreement, he would pull out of the agreement.

It is unclear where key Republican senators stand on this ultimatum by Trump. Many Republican senators, including many who initially opposed the agreement, believe it is useful to maintain it while Iran complies. They argue, as do Democratic senators that they would prefer an Iran causing major trouble in the region which does not have nuclear weapons rather than one that does.

Catalonia independence referendum passes and Spanish government moves to suspend regional government and call new elections: In the past weeks, the Spanish region of Catalonia held a vote on whether to declare independence. The vote was very contentious. It was illegal under the Spanish constitution (which guarantees the territorial integrity of Spain) and a court had ruled it unconstitutional. Only one party had taken part in the vote, the governing Catalan nationalist party, with other parties boycotting it. While over 90% of those participating voted for independence, only 43% of voters participated.

After the vote, the Catalan regional government was unclear whether it had declared independence or not. In response, the ruling conservative Spanish government triggered the Spanish constitutional “nuclear option” and began the process to suspend the regional government and to arrange to call for new elections. This move was backed by the socialist opposition. This was expected to further polarize opinion within Catalonia. The European Union has refused to become involved, calling an internal Spanish matter.

Catalonia’s separatist leader, Carles Puigdemont, announced October 26 that he would place a decision on independence before the regional parliament. He said he did this after failing to get the central government to agree to not take control of the region if he called early elections. The Catalan regional parliament is expected to take the issue up on October 27.

This virtually ensures that the central government will take control of the region under its emergency constitutional powers. This could happen as soon as this coming weekend. These powers would allow the suspension of the parliament and to take direct control of the region’s police force and its public TV and radio broadcasters. It is unclear whether it would also take control over commercial broadcasters. It is unclear what would happen if the region’s police refused the takeover.

Catalonians speak Catalan, a language that is a cross between Spanish and Provençal (the original language spoken in southern France). They are the most prosperous region in Spain and have subsidized much of Spain in the years following the financial crisis. The region was oppressed during the long rule of Francisco Franco from 1939 to his death in 1975. The transition to democracy began in 1975 and was completed by 1982, 35 years ago. Under the Spanish constitution, Catalonia has substantial autonomy. The Catalan language, suppressed under Franco, is the primary language of the region.

Kurds declare independence; Iraqi forces take back disputed territories Kurds rescued from ISIS: The Kurdish autonomous region of Iraq held an election over whether to declare independence. There was considerable controversy over whether to hold the election. The government of Massoud Barzani of the Kurdish Democratic Party (KDP) headquartered in Erbil decided to hold the election over the objections of the opposition Patriotic Union of Kurdistan (PUK) party headquartered in Sulimani, the national government of Iraq, Iran, Turkey and the US. The election resulted in a pro-independence vote and Barzani declared independence. Iraq followed by invading those disputed areas captured by Iraqi Kurds from ISIS and occupied by them, especially Kirkuk and the surrounding oil-rich region. The invasion was undertaken by elite units of the Iraqi Army and by Shiite militias organized by Iran. It was supported by the Iranian Revolutionary Guards. In order to avoid bloodshed, PUK

Peshmerga units withdrew from Kirkuk rather than engaging the Iraqi units. The Trump Administration was silent as Iraqi forces attacked Kurdish forces. The Kurds were the most important US ally in Iraq in fighting ISIS.

D. Ethics

Judge won't wipe out guilty verdict for Arpiao: Politico reported that Federal District Judge Susan Bolton in Phoenix rejected arguments from Arpiao and Justice Department prosecutors that Arpiao was entitled to have all rulings in his case vacated, including the guilty verdict the judge delivered in July. She wrote that "The power to pardon is an executive prerogative of mercy, not of judicial recordkeeping. To vacate all rulings in this case would run afoul of this important distinction. The Court found Defendant guilty of criminal contempt. The President issued the pardon. Defendant accepted. The pardon undoubtedly spared Defendant from any punishment that might otherwise have been imposed. It did not, however, 'revise the historical facts' of this case."

Arpaio's lawyer said he would ask the judge to reconsider and, failing that, would likely appeal. Early last week, several liberal groups asked the judge to allow them to appeal her ruling accepting the pardon and dismissing the case against Arpaio. She has not yet ruled on the request.

Trump personally interviewed US attorney candidates: Politico reported that Trump personally interviewed at least two potential candidates for US attorney, for posts in the Southern and Eastern Districts of New York. The Southern District has jurisdiction over Trump Tower. He also had met with a candidate for the US attorney for DC, Jessie Liu, who has since been appointed and confirmed. These three jurisdictions have the authority to bring indictments over the ongoing special counsel investigation into Russian election hacking and possible Trump campaign collusion with it as well as over Trump personal and family business interests.

It is extremely rare for a president to interview candidates for the 93 US attorney jobs, seen as part of the independence of the Justice Department and the justice system from the White House. President Obama never met with US attorney candidates.

Trump lawyers have admitted to House Oversight Committee lawyers that Trump aides used private email for official business: Politico reported that Elijah Cummings, ranking member on the House Oversight Committee, said that White House lawyers acknowledged this week that several Trump aides used their private email accounts for government business in violation of federal record-keeping law. Cummings said the lawyers repeatedly refused to name the aides. He has asked Committee Chair Trey Gowdy to issue subpoenas for the information. Cummings said the lawyers said the aides had come forward and confessed that they were using private email accounts for government business and had failed to forward the relevant emails to their government accounts within 20 days as required by law.

E. Environment and Energy

EPA announces repeal of Clean Power Plan: Scott Pruitt, EPA Administrator announced the repeal of the Obama-era Clean Power Plan, the key element in the Obama Administration's efforts to meet US proposals under the Paris Climate Accord. The Clean Power Plan aimed to decrease the nation's carbon emissions by about one-third by 2030, compared with 2005 levels. After a challenge to the plan in court, the Supreme Court stayed the Clean Power Plan's implementation on a 5-4 decision early in 2016. A 10-judge panel of the DC Circuit Court of Appeals heard oral arguments in September 2016, but did not issue a ruling before Trump took office and requested time to reconsider the rule.

The new EPA proposal argues that the EPA under Obama overstepped its legal authority in seeking to force utilities to reduce carbon emissions outside their actual facilities to meet federal emissions targets. The

proposal does not offer a replacement plan for regulating emissions of carbon dioxide, which the Supreme Court has ruled that the EPA is obligated to do. The EPA said it plans to seek public input on how best to cut emissions from natural-gas and coal-fired power plants.

State attorneys general have said they will challenge the EPA proposal because it had no plan to replace the Clean Power Plan, while the Supreme Court found that the EPA did need to regulate carbon emissions.

Coal export terminal backer sues Washington state: Millennium Bulk Terminals-Longview, a company proposing to build a terminal in Washington state to export U.S. coal to Asia, sued the state October 24, arguing regulators unfairly denied the project a key permit. The lawsuit claims the state Department of Ecology violated federal and state laws when it denied the project a water quality certification last month. The lawsuit filed in Cowlitz County Superior Court alleges the denial was based on “biased and prejudiced decision-making.” The company also appealed the decision to a state shoreline hearings board. Millennium, owned by Utah-based Lighthouse Resources, has sought to build a facility along the Columbia River to handle up to 44 million tons of coal a year. Trains would carry the coal from Montana, Wyoming and other states, which would be loaded onto ships headed to Asia. It would be one of the largest coal export terminals in North America.

Company officials described a protracted permitting process that has been unprecedented in scope. The company said it has invested about \$15 million in the permitting process. Ecology rejected a water quality permit last month, saying the proposed facility in Longview would have caused “significant and unavoidable harm” to the environment. The department cited effects to air quality, vehicle and vessel traffic, noise pollution and tribal resources, among others. The permit is one of 23 the project needs. The Department stated October 24 in response to the suit that it stands by its decision to deny the permit and is prepared to defend it. It said that the permit application and other documents did not provide reasonable assurance that the project would meet state water quality standards.

EPA may repeal emission standards for truck components: The Environmental Protection Agency (EPA) is seeking to repeal tighter emissions standards for truck components, a rule adopted in the final months of the Obama administration aimed at controlling traditional air pollutants as well as greenhouse gas emissions linked to climate change. The regulations were scheduled to take effect January 1, 2018. When the rule was issued in the fall of 2016, the EPA estimated that gliders and trailers using engines manufactured before 2002 produced emissions that were 20 to 40 times higher than those of trucks built today. In addition to greenhouse gases, exhaust from these heavy-duty trucks contain more nitrogen oxides (NOx), a component in smog, as well as fine particulate matter (soot). The agency estimated that requiring new gliders and trailers to be used with modern engines in 2017 alone would prevent between 350 and 1,600 premature deaths over the lifetime of these vehicles, since soot and other air pollutants contribute to lung and heart disease.

Unlike some Obama-era regulations, the rule has been widely embraced by the trucking industry. The rule applies the standards now used for heavy duty trucks to new truck components, called gliders and trailers. Gliders, or bodies, are the front of a truck including the cab, which fit over the engine. Trailers are the storage components that make up most of the length of a truck. Currently, trucking companies can install outdated engines into a new truck body and therefore avoid regulations that would apply to an entirely new truck. Both engine manufacturers and public health advocates are in favor of closing that loophole and applying pollution controls uniformly. Executives from three major heavy truck and engine manufacturers (Volvo Group North America, Cummins Inc. and Navistar Inc.) wrote Pruitt urging him not to reopen the rule. It noted that the three firms were joining with the Truck and Engine Manufacturers Association, the American Trucking Associations and the Truck Rental and Leasing Association in “voicing their concerns” about the move. Glider kits, the three companies argued in their letter “should not be used for circumventing purchase of currently certified power trains.”

But Fitzgerald Truck Sales, the largest manufacturer of gliders, wanted the rule eliminated. They met with EPA Administrator Pruitt in DC in May.

F. Consumer protection

Payday lending faces new rules: The Consumer Financial Protection Bureau (CFPB) imposed new rules regulating payday lending. The new rules limit how often, and how much, customers can borrow. The restrictions, which have been under development for five years, are opposed by those in the industry. Under the new rules, lenders would be allowed to make a single loan of up to \$500 with few restrictions, but only to borrowers with no other outstanding payday loans. For larger or more frequent loans, lenders would have to follow a complex set of underwriting rules meant to ensure that customers had the means to repay what they borrowed.

The industry won one significant concession. The CFPB dropped a proposal it made last year to require strict underwriting on many consumer loans with an annual percentage rate higher than 36 percent. Most of the rules announced on Thursday apply only to loans with a term of 45 days or less.

Until now, payday lending has mainly been regulated by states, and 15 already have already made the loans effectively illegal. Industry officials said on Thursday that they would file lawsuits to block the rules from taking effect in 2019 as scheduled. CFPB director Cordray's term is up next year, and he will be replaced by a Trump appointee.

Congress overturns CFPB rule allowing class action suits against banks: The Senate overturned a CFPB rule that allowed customers of banks to sue them alone or in class-action suits, despite banks' mandatory arbitration clauses required when applying for credit cards or bank accounts. Pence cast the deciding vote on a 50-50 Senate tie when Lindsay Graham and John Kennedy of Louisiana opposed the resolution.

G. Economy

Trump Federal Reserve chair choice down to two: The Washington Post reported that Trump has decided to nominate one of two people as Federal Reserve chair to replace Janet Yellen: former investment banker Jerome Powell or Stanford University economist John Taylor. Powell is seen as a moderate and likely to continue the current Fed policy of only slowly increasing interest rates. Taylor is seen as arguing that the Fed should aggressively increase rates now. Taylor has also sharply criticized the Fed's recent policies of stimulating the economy. The decision of who to nominate as Fed chair could be made as early as next week. Yellen's term ends in early February 2018.

H. Politics

Senator Bob Corker continues to attack Trump: In a series of television interviews on October 24, Corker called Trump "utterly untruthful". He said Trump was "taking us on a path to combat." He said Trump "has great difficulty with the truth". He said he hopes West Wing aide would "figure out ways of controlling him." He said, "I don't know why he lowers himself to such a low, low standard and debases our country in the way that he does, but he does." Corker said You would think he would aspire to be the president of the United States and act like a president of the United States. But that's just not going to be the case, apparently...He has proven himself unable to rise to the occasion. He's obviously not going to rise to the occasion as president. I've seen no evolution in an upward way. As a matter of fact, it seems to me it's almost devolving...For young people to be watching, not only here in our country, but around the world, someone of this mentality as president of the United States is something that is I think debasing to our country.

Senator Jeff Flake says he will not run again for the Senate in 2018: Arizona Senator Jeff Flake announced that he will retire from the Senate at the end of his term, saying he was out of step with his party under Trump. He

told the Arizona Republic that ‘there may not be a place for a Republican like me in the current Republican climate or the current Republican Party. This spell will pass, but not by next year.’”

In a speech on the Senate floor after his announcement, Flake said, “We must never allow ourselves to lapse into thinking that is just the way things are now. If we simply become used to this condition . . . then heaven help us. Without fear of the consequences and without consideration of the rules of what is politically safe, we must stop pretending that the conduct of some in our executive branch are normal. They are not normal. Reckless, outrageous and undignified behavior has become excused as telling it like it is when it is: actually reckless, outrageous and undignified...When the next generation asks us, why didn’t you do something? Why didn’t you speak up? What are we going to say?”

I. Immigration

Trump ends refugee ban, announces 90-day review for refugees from 11 unnamed countries: The Washington Post reported that Trump ended the four-month long worldwide ban on refugee admissions. There will be new more stringent and thorough background examinations before refugees are admitted to the US. Refugees already face an extensive backlog and waiting periods that can take years. Any additional screening would likely extend the timeline.

Administration officials said they will subject 11 unidentified countries to another 90-day review for potential threats. Administration officials were vague about the additional 90-day review of the 11 countries, refusing even to name them, citing law enforcement sensitivities. They said refugees from those countries could still be admitted on a case-by-case basis during the 90 days if their entry is deemed in the national interest, and they do not pose a threat to the security or welfare of the United States.

Trump has already to scale back the nation’s refugee program, imposing a limit of 45,000 — the lowest in more than three decades — on the number of people fleeing persecution that can be resettled in the United States over the fiscal year that started on October 1. The refugee resettlement limit has not been below 68,000 since 1980 when the law establishing annual limits was passed. The action could result in new roadblocks or even outright bans for refugees from the 11 countries, potentially narrowing the refugee resettlement pool even further.

Two judges issue stay on new Trump travel ban, Justice Department appeals: The Washington Post reported that US District Court Judge Derrick Watson blocked the Administration from enforcing the travel ban on anyone from the six countries identified, with the exception of North Korea and officials in Venezuela. His ruling did not address whether Trump’s intent in imposing the ban was to discriminate against Muslims. He said Trump had merely exceeded the authority Congress had given him in immigration law. Watson said Trump violated a provision of immigration law that said he would have to find entry of certain non-immigrant travelers “detrimental” to US interests before blocking them.

The Washington Post reported that US District Court Judge Theodore Chuang issued a somewhat less complete stay on the travel ban than the earlier decision. He blocked the Administration from enforcing the ban only on those who lacked a “bona fide” relationship with a person or entity in the US. This echoes the language of the Supreme Court’s ruling on the stay of the earlier travel ban. Chuang found that Trump had exceeded his legal authority, but only partly. He said it violated a non-discrimination provision in the law in that it blocked immigrants based on their nationality. Chuang based much of his ruling on his assessment that Trump intended to ban Muslims, and thus violated the Establishment Clause of the Constitution. He also wrote that the government had not offered any evidence that showed an intelligence-based terrorism threat that justified a ban on entire nationalities. The Maryland suits were brought by 23 advocacy groups and seven people who said they were negatively impacted by the law.

The Washington Post reported that the Justice Department filed notice on October 20 in the 4th Circuit Court of Appeals in Maryland that it would appeal the decision by a federal judge staying the latest Trump travel ban.

Judge rules DACA legal advice must be made public: Politico reported that US federal district Judge William Alsup, based in San Francisco, ordered the Trump Administration to turn over emails, letters, memos and other materials related to its decision to end DACA. The decision appears to cover legal advice about winding down the program.

Acting in a series of lawsuits filed over the decision, the judge said the administration had waived its attorney-client privilege by claiming the decision was driven by concerns that the program is unconstitutional. He said that “defendants argue that [the Department of Homeland Security] had to rescind DACA because it exceeded the lawful authority of the agency. They cannot, therefore, simultaneously refuse to disclose the legal research that led to that conclusion. Plaintiffs are entitled to challenge whether this was a reasonable legal position and thus reasonable basis for rescission. In making that challenge, plaintiffs are entitled to review the internal analyses that led up to this change in position.”

The Justice Department released a one-page opinion from Attorney General Jeff Sessions calling the program “an open-ended circumvention of immigration laws that was an unconstitutional exercise of authority by the Executive Branch.” Alsup said that was not enough. “Defendants have waived attorney-client privilege over any materials that bore on whether or not DACA was an unlawful exercise of executive power and therefore should be rescinded,” he concluded.

In September, the acting homeland security secretary, Elaine Duke, rescinded the memo that established the DACA program, which offered a degree of protection to undocumented immigrants brought to the U.S. at a young age. Plaintiffs in five separate lawsuits over the DACA termination have demanded that the administration hand over documents related to the decision. Alsup ordered the federal government to supply the materials that Duke used to reach her decision, as well as documents consulted by other government officials who advised her. At the same time, Alsup demanded that the administration supply all materials considered by former DHS Secretary John Kelly — now the White House chief of staff — when he decided in a February memo to leave the program intact.

Alsup ordered the defendants to provide the information by October 27.

Leaked Justice memos show it wants to undermine due process for immigrants: CNN and the Washington Post reported that the Trump Administration is working to give fewer people fewer chances in immigration court. The Administration is considering allowing judges to strip people who come to the US as unaccompanied children of the legal protections that status provides if they turn 18 while still in immigration proceedings or if they’re reunited with a parent in the US. The Department of Justice wants to start rating immigration judges based on how many cases they resolve — which would put pressure on them to resolve cases more quickly and show less leniency toward immigrants.

Trump Administration issues hard line DACA bill principles: The Trump administration asked Congress to include tough border security and immigration enforcement measures in any deal to replace the DACA program the administration is ending. Those measures include provisions to make it harder for unaccompanied minors to enter the country illegally, money for a border wall and cuts to legal immigration. In addition to funding for a border wall, the White House request to Congress includes: instituting mandatory worker verification for all American employers; increasing criminal penalties for a number of immigration infractions and creating new criminal consequences for others; expanding the ways that immigrants can be found inadmissible to the US and can be deported from the US; vastly expanding ways to circumvent the lengthy court process it takes to deport undocumented immigrants; and restricting asylum and unaccompanied minor protections. It would also not include a pathway to citizenship for DACA recipients.

These requests are sharply at odds with the rough agreement Trump reached with Chuck Schumer and Nancy Pelosi. That would have required enhanced border enforcement, but would not have required wall funding nor other anti-immigration measures. Democratic votes would be required for a DACA bill to pass the Senate.

Judge won't limit order blocking Trump anti-sanctuary cities sanctions: Politico reported that US District Court Judge Harry Leinenweber turned down the Justice Department's request to dramatically scale back the reach of an injunction he had issued against the Trump Administration's targeting of sanctuary cities. Last month the judge granted the City of Chicago's request for a nationwide block on the Justice Department's plan to insist that cities and counties receiving public-safety grants allow immigration agents access to local jails and give local authorities advance notice when suspected illegal immigrants are about to be released from custody. The Justice Department asked the judge to stay his order so that it would benefit only Chicago and would not stop application of the proposed new requirements to other jurisdictions applying for public-safety funding known as Byrne-JAG grants. The judge refused. He said the conclusion he had reached that the Justice Department's policy appears to exceed its legal authority would not be affected by different factual scenarios in various places across the country. He wrote that "A nationwide injunction is necessary to provide complete relief from the likely constitutional violation at issue here."

Undocumented immigrant teen has abortion, ending weeks-long court battle: The Washington Post reported that "Jane Doe", a 17-year-old undocumented teen in federal custody, ended her pregnancy October 25 less than a day after an appeals court judge's order to allow her to be transferred to a facility to have the abortion she requested. The teenager is being held in Texas for illegally entering the country and is 16 weeks pregnancy. Texas bans most abortions after 20 weeks. The issue resulted from the Trump administration policy of refusing to "facilitate" abortions for unaccompanied minors. The result was that "Jane Doe" had requested the abortion but was being refused access to an abortion facility for weeks while her pregnancy was approaching the 20-week Texas limit after which an abortion would be illegal in Texas. On October 24, the full US Court of Appeals for the DC Circuit took the unusual step of reversing a three-judge panel of the same court without first holding oral argument. The panel decision would have postponed the abortion. Instead, the D.C. Circuit's 6-3 ruling sent the case back to U.S. District Judge Tanya Chutkan, who hours later ordered the government to "promptly and without delay" transport the teen to a Texas abortion provider.

Lawyers for the Department of Justice had been considering whether to ask the Supreme Court to put the D.C. Circuit order on hold, which would have brought the volatile issue of abortion to the high court in a very personal and real-life challenge. They may have miscalculated how quickly the girl could receive an abortion. Texas law requires counseling from a doctor at least 24 hours in advance of an abortion, but the teen underwent counseling last week allowing her to go forward once Chutkan issued her order. The government lawyers did not immediately ask for a hold on the D.C. Court opinion after the October 24 ruling. By the time the Supreme Court opened October 25, there was no issue left for the justices to decide.