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STOP THE EROSION OF GUN CONTROL

Summary: In the wake of the massacre in Las Vegas, citizens are again calling for gun control. It appears that Congress and even the NRA may be listening – or may be feeling the heat enough that they are looking for a bone to throw those who are fed up (a majority of the population) with the nearly unrestricted sales of guns, especially semi-automatic guns, in the United States.

Talking Points:

• Congress is considering regulating the “bump stocks” used by the killer in Las Vegas. These are after-market devices that turn legal, semiautomatic rifles into deadly automatic weapons. It appears that the NRA may be on-board with regulation of bump stocks – which is good reason to evaluate whether regulation of bump stocks would have any beneficial use.

• Civilian ownership of machine guns has been restricted in the US since 1934. But their semiautomatic equivalents are wildly popular, writes Richard Parker in the New York Times.

• Bump stocks are the cheapest, simplest way to make a semiautomatic rifle act like an automatic. Banning bump stocks will be virtually useless. “The only solution,” writes Parker, “is to extend the ban on automatic weapons to include gas-powered, semiautomatic rifles that are merely modified versions of their military analogues.” [https://www.nytimes.com/2017/10/06/opinion/banning-bump-stocks-wont-solve Anything.html?](https://www.nytimes.com/2017/10/06/opinion/banning-bump-stocks-wont-solve-anything.html?action=click&pgtype=Homepage&clickSource=story-heading&module=region&region=region&WT.nav=region&_r=0)

• In more bad news, there is legislation the House of Representatives that would make it easier for people to obtain silencers for guns. As part of a larger legislative package, called the SHARE Act (Sportsman Heritage and Recreational Enhancement Act, or H.R. 3668), Congress is considering the so-called “Hearing Protection Act” (H.R. 367) that is backed by the gun lobby. The bill eliminates the $200 transfer tax on firearm silencers, and treats any person who acquires or possesses a firearm silencer as meeting any registration or licensing requirements of the National Firearms Act with respect to any silencer. The silencer would help protect hunters’ hearing, says
Rep. Jeff Duncan, a Republican from South Carolina. Such a deal! Silencers or suppressors would also damper or mute the sound of gunfire, a sound that acts as a warning.

- H.R. 367 has made it out of committee and could be called to the floor for a vote at any time.

Our MoCs:

Heck: “Closing the gun show loophole and banning assault weapons are common sense measures. Requiring a follow-up from the intelligence community when an individual on the no-fly list tries to buy a gun is a no-brainer. These steps are supported by a majority of Americans. No, they won't stop all acts of gun violence, but they will prevent some. It's clearly worth it. Congress should do its job." http://votesmart.org/public-statement/1102502/thoughts-from-congressman-denny-heck-after-the-tragedy-in-orlando (votesmart.org). Heck appears to be co-sponsoring legislation to ban bump stocks.

Senators Murray and Cantwell: Apparently they are joining colleagues to introduce a bill to close automatic weapons loopholes, such as banning bump stocks.

To do:

- Call Rep. Heck and demand that he vote against HR 367 if and when it comes to the floor for a vote. Call script: The House may soon consider a provision in the SHARE Act that makes it easy for dangerous people to acquire silencers for their guns. I demand that Rep. Heck refuse to support removing the silencer provision. This legislation does not infringe upon access to silencers. It simply means that current law—that has been in place for decades—remains on the books. Silencers distort the sound of gunfire, making it harder for victims to flee and first responders to intervene. In the wake of the tragedy in Vegas, it is essential for Congress to support removing the silencer provision from the SHARE Act.

- Call Rep. Heck and Senators Murray and Cantwell and urge no more “thoughts and prayers,” but to take action and do their job in protecting the American people from the virtually uncontrolled gun industry. Call script: Hello, I’m a constituent from Olympia/Thurston County calling regarding the mass shooting in Las Vegas. I urge Senator/Representative [name] to not just condemn this act of terror, but to support responsible policies that help prevent these acts of gun violence. Rep./Senator (name) needs to prevent our current gun laws from being gutted. Not only that, we need to further restrict the sale and carrying of guns. Banning the bump stocks is not enough. In fact, it is a purely superficial solution and their legislative efforts in this regard are pointless. We need a ban on automatic weapons to include gas-powered, semiautomatic rifles that are merely modified versions of their military analogues. We also need to aggressively restrict the sale of guns, and require gun sellers, both commercial and private, to maintain trackable logs of multiple gun sales, including gun sales at gun shows.
2. DEMAND FAIR TAX REFORM and REJECT REPUBLICANS’ PLAN TO ENRICH THE RICH

Summary: Republicans in Congress are turning to their second big agenda item – tax reform. While there is general agreement that tax reform is a good idea, typically for the Republicans, tax reform appears to be another way for the middle class to pay taxes and the wealthy to not.

Talking Points:

• The Congressional Republicans are aiming to enact tax reform legislation by the end of this year.
• They are hoping to bypass a filibuster through the Senate reconciliation process and enact legislation – where, in the Senate, they will need 51 votes. Those votes aren’t assured.
• The intended tax reform provisions – as yet these provisions are not clear – are touted as a middle class tax cut. But both the Trump Administration and Paul Ryan admit that the cuts may not benefit all of the middle class.
• The Tax Policy Center warns that the outline of the Republican plan could cost $2.4 trillion over the next ten years. The biggest benefits, the Center further says, will flow to businesses and the wealthiest Americans. 30% of the middle class will see their taxes increase.
• The Washington Post and New York Times reported that the Republican tax plan would provide major benefits for the richest 1% but uneven benefits for the middle class, according to a study by the Urban -Brookings Tax Policy Center. The center is a joint venture of the Urban Institute and the Brookings Institution. The tax plan would deliver 80% of its benefits to the top 1% of American taxpayers. Households making over $900,000 a year would see their taxes drop by over $200,000 on average.
• Among the provisions the Republicans are pushing: doubling the standard deduction for individual taxpayers, increasing the child tax credit, eliminating the deduction for state and local taxes (although it is reported the Republicans may be backing away from total elimination of this deduction), and eliminating out of pocket medical costs deductions, and reduce the 7 tax brackets to 3 tax brackets.
• The elimination of the state and local tax deduction could adversely affect those in the upper middle class, who tend to make heavy use of the tax break. More than a third of the taxpayers who earn $150,000 to $300,000 could see their taxes go up next year, the Tax Policy Center
report stated. The average tax bill for all income groups would decline by $1,600, or 2.1 percent, in 2018, the report said.

• The House passed crucial budget legislation on Thursday that includes massive spending cuts. The House budget turns Medicare into a voucher-like program for future retirees. The Chicago Tribune reports that Republicans have no plans to implement these cuts while they pursue their tax overhaul. “This is especially so in the Senate, where the Budget Committee on Thursday gave party-line approval to a companion bill.” http://www.chicagotribune.com/news/nationworld/politics/ct-gop-budget-20171005-story.html

• Politico report that Senate Democrats on the Senate Budget Committee have estimated that the Senate Budget Committee budget proposal would cut Medicare by $473 billion over ten years.

• It is anticipated that fiscal conservatives will be very reluctant to vote for any bill that contributes to the deficit.

Our MoCs:

Not sure about Heck. Senators Murray and Cantwell signed a joint letter regarding tax reform that issued several requirements on tax reform that must be met before they will support tax reform. See those requirements in To Do below.

To Do:

Call our MoC with the following Call Script: I am (name) from Olympia/Thurston County and I want Rep/Senator (name) to know that I do not support tax reform that gives to the rich and takes from the poor and middle class. I demand the following in tax reform: (1) It does not cut taxes for the wealthy, (2) it does not increase the deficit, (3) it must be enacted through the regular order and not through the special reconciliation process, and (4) it must be the result of bipartisan cooperation and support.
3. **REINSTATE THE BIRTH CONTROL MANDATE** and **RETRACT GUIDANCE ON ‘RELIGIOUS FREEDOM’ THAT WILL ERODE RIGHTS OF LGBT PEOPLE**

**Summary:** The Trump Administration on Friday expanded the rights of employers to deny women insurance coverage for contraception and provided so-called guidance on ‘religious freedom’ that will erode the civil rights of lesbian, gay, bisexual, and transgender people.

**Talking Points:**

- Attorney General Sessions issued guidance to federal agencies and prosecutors that advises them to take positions in court that workers, employers, and organizations may claim very broad exemptions from nondiscrimination laws on the basis of religious objections, which have the potential to directly affect the LGBT community.

- The Department of Health and Human Services also issued two rules that roll back a federal requirement that employers must include birth control coverage in their health insurance plans. These rules offer an exemption to any employer that objects to covering contraception services on the basis of sincerely held religious beliefs or moral convictions.

- More than 55 million women have access to birth control without co-payments based on the rules issued by the Obama Administration that protected the right to contraception. The Obama rules removed cost as a barrier to access to contraception.

- Both Massachusetts and California have filed lawsuits to block the new rules on contraception.

- Regarding the religious guidance: The implications of the LGBT rules are that religious charities or schools that receive federal funding could fire unmarried employees who become pregnant, fire an employee who marries a same-sex partner, and allow foster child placement agencies to refuse to place a child with a same-sex couple. Further, churches damaged by the recent
hurricanes could receive grants from FEMA to rebuild, even if the church has a strong anti-LGBT policy.

• The Masterpiece Cakeshop, Ltd. V. Colorado Civil Rights Commission case is pending in the US Supreme Court now. The question is the same as Washington’s Arlene Flowers case, where in both cases private business claim a ‘sincerely held religious belief’ against same-sex marriage. Both cases deal with whether denial by businesses to same-sex couples is permitted under the free speech and free exercise of religion clause in the First Amendment of the US Constitution. The Washington Supreme Court said Arlene’s Flowers could not refuse to do business with same-sex couples based on religious belief. We’ll see what the US Supreme Court says in Masterpiece Cakeshop.

• The US Supreme Court, in the Hobby Lobby case, held that a closely-held corporation can hold religious beliefs (who knew!?) that allows the corporation to deny insurance-covered contraception to its employees.

MoCs’ position: Senator Cantwell issued a statement in reaction to the contraception rule: “Women cannot be discriminated against by employers who want to cherry-pick essential benefits. Today’s rule continues this Administration’s troubling rollback of women’s health and rights. I continue working with my colleagues to safeguard access to vital preventive health care, including birth control.”

To do:

Call our MoCs and demand legislation that protects the rights of women and of the LGBT community.

_Call script:_ I am (name) from Olympia/Thurston County. The war on women and the LBGT community has got to end. I expect Rep/Senator Heck/Murray/Cantwell to support current efforts, or offer their own legislation, that protect the right of women and men to contraceptives covered by insurance and legislation that overturns the Hobby Lobby case.
4. SUPPORT SENATOR MURRAY IN HER WORK WITH SENATOR ALEXANDER ON ACA STABILIZATION

Summary: Politico reported that Senators Lamar Alexander and Patty Murray are moving slowly toward agreed provisions to stabilize ACA exchange markets in the short-term.

Talking points:

• Their goal is to have a draft piece of legislation to share with Mitch McConnell and Chuck Schumer by the end of this week.

• The framework would likely fund ACA cost-sharing reductions for a period of time (likely two years) and provide states with more flexibility under the ACA.

• It is far from clear that any draft agreement they come up with will be approved by Senate Republican or Democratic leadership or would be even considered by House leadership.

• Senators Cassidy and Graham say they would be supportive of the idea of a bipartisan bill.

To Do:
Call Senator Murray and thank her for her work on this and encourage her to keep up her efforts. Also call Senator Cantwell and ask her to join Senator Murray in stabilizing the ACA exchange markets when/if Senator Murray’s/Alexander’s legislation comes in front of the committee and when/if it comes to a House vote.

5. STOP THE RUSSIAN INFLUENCE ON OUR ELECTIONS

Summary: Trump has called allegations that Russian helped him with the 2016 election a hoax. However, the Senate Intelligence Committee announced on Wednesday that they’ve reached some conclusions that clearly demonstrate they don’t think the Russian interference allegations are a hoax.

Talking Points:

• The consensus from the Senate Intelligence Committee is that Russia sought to sway the 2016 US elections through hacking and influence campaigns.

• The Committee agrees with the intelligence community’s assessment that Russia was behind hackings of the Democratic National Committee and the Hillary Clinton campaign director John Podesta’s email account, and attempted to exploit public opinion by distributing false information via fake social media accounts. They also tried to hack into 21 states’ election systems.
The “issue of collusion is still open,” said Senator Richard Burr, a Republican from North Carolina. That may mean, at the least, that Trump’s allegations of no collusion has not been embraced by the committee.

The Washington Post reported that Russian intelligence operatives used Facebook’s Custom Audiences system and other Facebook tools meant to allow businesses to identify a target audience to direct misleading ads and false information to voter groups. A number of the Russian-linked adds targeted audiences in Michigan and Wisconsin. As many as 10 million people may have viewed those ads.

Russians used a range of misleading web sites and social media pages to identify American voters susceptible to propaganda, then used Facebook’s Custom Audiences tool to target a specific list of users they wanted to target. In addition to that tool, they used other Facebook tools to target groups by demographics, location, gender and interests. These tools were designed by Facebook to allow businesses to specifically target ads for maximum effectiveness and are part of why Facebook’s ad sales have soared in recent years.

Politico reported that the Senate Intelligence Committee wrote a letter asking Jared Kushner to search his personal email account for records related to its investigation into Russian hacking of the 2016 election. The committee told Kushner it was concerned that he had not disclosed his private email account in a closed-door interview with investigators. The committee also asked for information relevant to the investigation from any other messaging apps or communications channels it wasn’t previously aware of.

The New York Times reported that Google announced September 29 that it would cooperate with congressional inquiries into the election, following Facebook and Twitter providing evidence to investigators of accounts on their networks linked to Russian intelligence groups. Google has been called to testify at a Senate Intelligence Committee hearing November 1, where Facebook and Twitter will also testify. Google has also begun an internal investigation into whether its advertising products and services were used as part of a Russia-linked influence campaign. In April, Google said that if found that 0.25% of its daily search traffic was linking to intentionally misleading, false or offensive information.

The Washington Post reported that associates of Trump and his company have turned over documents to federal investigators that reveal two previously unreported contacts from Russia during the campaign. Michael Cohen (Trump’s personal attorney and a business associate) exchanged emails weeks before the Republican National Convention about the lawyer possibly traveling to an economic conference in Russia that would be attended by top Russian financial and government leaders, including Putin. Cohen declined the invitation to the conference. Michael Cohen received a proposal in late 2015 for a Moscow residential project from a company founded by a billionaire who once served in the upper house of the Russian parliament. This is the second proposal for a Trump-branded Moscow project delivered to the company during the presidential campaign.

To Do:

Ask Rep. Denny Heck, who is on the House Permanent Select Committee on Intelligence, to urge the chair to get the investigation back on track.
For all three of our MoCs: *Call script:* I am (name) of Olympia/Thurston County. I urge you to take a more aggressive whole-of-government approach to Russian interference in elections in order to ensure future elections are not compromised. I suggest you support budget legislation that will provide states with the resources they need to protect their voting operations from outside interference or sabotage. Please urge the Senate Intelligence Committee to continue its investigations into collusion. Finally, protect the investigation of Robert Mueller in every way.

6. **HELP PUERTO RICO AND THE US VIRGIN ISLANDS.**

**Summary:** Two weeks after Hurricane Maria, 95% of Puerto Rico remains without electric power and half the island has no access to potable water, fuel and food is limited. Conditions in the US Virgin Islands continue to be grim, with little or no access to water or electricity.
Talking Points:

- Communications remain down all over the islands. While significant supplies have been delivered to the islands, they have not been delivered to towns and cities around the islands.
- Part of the issue in PR is that many bridges are down and roads are full of debris. The New York Times reports that supplies are often hours away from where they are needed on impassable roads with little fuel available. There are not enough truck drivers, because they are caring for their families, have little fuel themselves and the roads are not cleared.
- Food stamp recipients cannot use their food stamps to buy food because with power out, stores cannot access the computer systems to process the cards. Most banks are closed, limiting access to cash. In most disasters, FEMA provides food, water and generators to local governments, who distribute them. But in Puerto Rico as well as the US Virgin Islands most of the infrastructure was destroyed or damaged.
- Without electricity, water, fuel or road access, the usual processes of disaster relief have not been adequate.
- Trump’s response has been embarrassing, demeaning, mean, and despicable. When he visited Puerto Rico, he said the island should be glad they had not had a real disaster like Katrina where hundreds had died. He noted that they had “thrown our budget a little out of whack, because we’ve spend a lot of money on Puerto Rico.”

To do:

Call our MoCs. Call script: I am (name) of Olympia/Thurston County. I expect you to do all in your power, including your budgetary power, to ensure that FEMA and other agencies of the federal government, including the military, provide all the supplies and resources needed by Puerto Rico and the US Virgin Islands to get back on their feet and rebuild.

7. REJECT THE NOMINATION OF MICHAEL DOURSON TO HEAD EPA’S OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

Talking Points:

• For more than 20 years, Dourson has been the go-to voice of the chemical industry when corporate polluters have tried to minimize the effects of toxic chemical pollution, such as Dow, Monsanto, and DuPont.

• He has advocated the interests of Big Tobacco (“Jesus hung out with prostitutes and tax collectors . . . Why should we exclude anyone that needs help?”)

• A now-defunct website his firm built for the chemical industry once claimed that toxic chemicals in children's toys weren't so dangerous since water can be toxic, too, at a high enough volume.

• Once again, a nomination from the Trump Administration puts the fox in charge of guarding the hen house.

• Dourson will likely work to roll back critical environmental and chemical safety regulations to benefit his friends in the chemical industry.

• The Senate held a very emotional hearing on Wednesday in which Dourson was grilled on his environmental record and his close ties to the chemical industry. Democrats told him he was “not just an outlier . . . you’re outrageous,” and that he was “a corporate lackey.” Sen. Duckworth grilled him about his Koch-funded work on petroleum coke, and said the he “does pseudo-science for the highest bidders.” Sen. Gillibrand of New York said families in her state “are so frightened” by his nomination because of his downplay of the risks of possible carcinogen in the drinking water of an update New York community, and some of those community members were in the audience to oppose his nomination.

• Dourson refused to commit to recusing himself in any decisions affecting chemical companies that have been giving money to his nonprofit research foundation.

To Do:

Call Senator Murray and Senator Cantwell to protest Dourson’s nomination. Call script: I am (name) from Olympia/Thurston County. I feel very strongly that the American people need to be protected from toxic chemicals and other hazards coming from chemical corporations. The EPA is in the best position to do this. But Michael Dourson is not qualified to head the Office of Chemical Safety and Pollution Prevention. Not only is he unqualified to protect the American people, he has over 20 years of experience working against their interests. If his nomination is voted out of committee, please vote against his nomination.
8. THE US VOTE AGAINST THE UN’S LGBT RESOLUTION

Summary: In the UN this week, the US voted against the UN Resolution that condemned the use of the death penalty as a punishment for consensual gay relations. The resolution passed but without the US’s vote in favor. (See http://www.cnn.com/2017/10/05/opinions/un-death-penalty-resolution-usa-lgbt-ghitis-opinion/index.html)

Talking Points:

• Even though the Resolution does not outlaw the use of the death penalty, the US’ decision not to support the resolution sent shock waves through human rights groups and their supporters.

• The final vote was 27 in favor of condemning use of the death penalty for specific forms of conduct such as “apostasy, blasphemy, adultery, and consensual same-sex relations,” 13 against and seven abstentions. The resolution was supported by every single Western and Eastern European country in the body, and every Latin American country (only Cuba abstained). The US sided with Saudi Arabia, Egypt, China.

• This decision appears to be in accord with pronouncements from the US State Department that the federal government would sideline its human rights agenda. The vote was justified by the Trump Administration as reflecting “broader concerns with the resolution approach in condemning the death penalty,” said a spokesperson for the State Department.

• UN Ambassador Nikki Haley tweeted (since that appears to be the official means of communication by this shameful government) that “There was NO vote by USUN that supported the death penalty for gay people. We have always fought for justice for the LGBT community.”

• However, as you can see from other news reports, above, the Trump Administration has NOT fought for justice for the LGBT community. Ask Jeff Sessions about that. And the practical effect of the US vote is TO ALLOW the death penalty for those of the LGBT community in other countries, as well as to allow the death penalty for adultery, etc. (and, mostly probably, those victims will be women).

To Do:

Call our MoCs. Call script: I am (name) from Olympia/Thurston County, and I am calling to condemn in the strongest terms possible the US’ failure to vote for the UN Resolution condemning the use of the death penalty against members of the LGBT community and others. I see this vote as the Trump Administration’s war on gay people and its refusal to stand up against human rights abuses. I completely reject Ambassador Haley’s excuse that the US was ‘concerned’ about the broader issue of the death penalty. I call upon Rep/Senator (name) to condemn the US vote and to support abolition of the death penalty for LGBT people in all countries based on their sexual preference, and the use of the death penalty for adultery and other alleged acts.
9. PROTECT THE EMPLOYEES OF THE DEPARTMENT OF INTERIOR

Summary: Joel Clement, an executive at the federal Department of the Interior, who turned whistleblower when he claimed the Trump Administration retaliated against him for publicly disclosing how climate change affects Alaska Native communities, has resigned.

Talking Points:

- Joel Clement, a scientist and policy expert, was removed from his job by Secretary Zinke after Clement acted as a whistleblower. Clement was reassigned to an accounting position, for which he had no experience.

- A group of former Department of Interior officials have also criticized Zinke for his characterization of Interior employees as not loyal. Zinke said: “I’ve got 30 percent of the crew that’s not loyal to the flag,” and said that policy-decision positions would be sent to western cities, such as Denver.

- Several other senior executive service personnel have been reassigned in June to positions for which they are not qualified and/or have no experience.

- Zinke intends to cut 4000 jobs at Interior.

- In a letter to Zinke, Clement said to Secretary Zinke that retaliating “against civil servants for raising health and safety concerns is unlawful, but there are many items to add to your resume of failure.”

- In a separate letter to Secretary Zinke, former top Interior executives under Nixon, Ford, Bush, Clinton, Bush, and Obama criticized Zinke’s comments about loyalty. “As former Interior political appointees who served in both Republican and Democratic administrations, we strongly disagree . . . The department’s career employees swear to defend the Constitution; they do not swear personal allegiance to individual secretaries or to anyone else,” they wrote.

To Do: Call Senator Cantwell, who is the ranking member on the Senate Committee on Energy and Natural Resources, and an ex officio member of the Subcommittee on National Parks, the Subcommittee on Water and Power, and the Subcommittee on Public Lands, Forests and Mining. Call Script: I am (name) and live in Olympia/Thurston County. I ask you to intervene in the retaliation efforts by Secretary Zinke against career employees of the Department of Interior, and against Joel Clement. Please hold hearings on Zinke’s attacks...
against career employees and demand Zinke answer allegations made against him both by career employees as well as by former Interior Secretaries from both Republican as well as Democratic administrations.

10. OTHER ISSUES

a) CHIP: Vox reported that CHIP (Children’s Health Insurance Program), which provides health insurance to 9 million low and middle-income children, expired at the end of September. In Mid-September, a number of key senators agreed to extend the budget for the program. But that agreement was halted when the senatorial focus turned to the Graham-Cassidy bill. States say they have enough money left over from the last appropriation to keep the program going through the end of the year. Ten states are expected to exhaust their funding by the end of this year, and 22 will do so within the next six months if funding is not reauthorized. Washington state’s funding will last into the 1st quarter of 2018. Oregon and California’s funds will run out sometime this quarter. If no agreement is reached, children will soon not be able to see doctors when they are sick, receive immunizations or get routine checkups, in addition to being covered when facing more serious conditions.

Vox reports that House Republicans have released a proposed to both reauthorize CHIP and providing health care for health care funding for Puerto Rico. The bill with extend CHIP funding for five years while sun-setting the ACA funding increase (an additional 23%) for the program over the five-year period. It would extend federal funding for community health centers, which provide primary care to poor rural and urban areas for two years and would make an additional $1 billion in Medicaid funding available to Puerto Rico.

But there is likely to be little agreement from Democrats regarding the cuts the proposal would make to fund these priorities. It would cut the ACA public health fund by $6.4 billion over 10 years. It would cut the grace period for ACA enrollees would fail to make premium payments from 90 days to 30 days or would allow states to set their own. It would repeal the ACA’s Independent Payment Advisory Board, the panel created by the law tasked with reducing Medicare's costs if the program's spending grows at too fast a rate. It would increase Medicare premiums for high earners (individuals making $500,000 annually). It would cut Medicaid payments for prenatal care and preventive services for children when another insurer could be liable for the costs.
Orrin Hatch and Ron Wyden had agreed on a deal to reauthorize CHIP in the Senate before the Graham Cassidy bill took up all the Senate’s attention. They had not yet identified how it was to be paid for.

b) **DACA:** Vox reported that Republican congressional leaders are ignoring Trump’s agreement with congressional Democratic leaders on providing statutory protection for the DACA recipients. A House Republican working group insisted in including funding for a border wall. They want mandatory use of e-Verify by employers and other immigration provisions. Democrats would not agree to any deal that includes wall funding or that increases internal immigration enforcement, but would agree to increased border security including drones, fencing, monitoring, and more agents to patrol the border.

c) **Ethics:** Health and Human Services Secretary Tom Price resigned on September 29. Price had been attacked for days for taking charter and military flights even when commercial flights were available. Price had said he would reimburse the government for the cost of his seat on September 28, but the actual costs were that of each entire flight, including him, his staff and security. In most cases, the flights would not have taken place without Price. The overall cost of his domestic and international charter and military flights was nearly $1 million. This took place as Price was reducing staff and reducing assistance to low-income people and was involved with ACA repeal efforts. Trump was also angry with Price for what he saw as his failure to pass any ACA repeal legislation.

This story initially became public when Politico began reporting last week on the extensive use of charter air flights and military flights by then-Health and Human Services (HHS) secretary Tom Price, instead of using commercial flights. Initially, they reported that Price had taken five charter flights in the past week, costing tens of thousands of dollars. Price traveled to Maine, New Hampshire and Pennsylvania for health-care related events. Many of the flights were at the same time as much less expensive commercial flights. Prior HHS secretaries traveled by commercial flights. Price took at least 24 charter flights over the past year. Price had a history of questionable ethical behavior, having made investments in health care firms when he chaired the health care committee in the House.

As the Price issue was heating up, the press discovered similar though less extensive use of chartered flights by other cabinet officials. Interior Secretary Zinke and his aides have used chartered flights to take him to his hometown in Montana from an event in Las Vegas with a political contributor and private flights between St. Croix and St. Thomas in the US Virgin Islands. The flights cost $400,000. The Interior Department’s inspector general has opened an investigation into his use of taxpayer-funded charter planes.

EPA Secretary Scott Pruitt took at least four charter and military flights since mid-February at a cost of $58,000. Treasury Secretary Steven Mnuchin is under investigation by the Treasury Department inspector general for his use of a government plan to visit Kentucky during the solar eclipse and for a short trip from New York to DC.
In a related incident, the Washington Post reported that Veterans Affairs Secretary David Shulkin traveled to Europe with his wife, attended a Wimbledon tennis match, took a cruise on the Thames and toured Westminster Abbey with his wife, on a 10-day trip when he met with Danish and British officials about veterans’ health issues. He spent half the time sightseeing on the trip. He did travel on a commercial flight. His immediate predecessor took no foreign work trips. Because it was a work trip, the costs of the trip were paid by his department. Shulkin was invited to a conference in London with representatives of Britain, Canada, Australia and New Zealand. The conference was regularly attended by the VA secretary. He also arranged to attend a series of meetings in Denmark a week earlier. Shulkin’s trip came less than two weeks after he signed a memo instructing top VA staffers to determine whether “employee travel in their organization is essential.”

Politico reported that the Department of Justice released legal memos prepared for earlier presidents that found that it would be illegal for presidents to appoint relatives to the White House staff or presidential commissions, even to unpaid posts. They were released pursuant to a Freedom of Information Act request. The earlier opinions detail how Justice Department lawyers concluded that such appointments of family members were illegal under an anti-nepotism law passed in 1967, long perceived as a response to President Kennedy’s appointment of his brother Robert as Attorney General. They found that appointment to honorary positions would be legal under that statute but that paid or unpaid work would violate it.

In January of this year, a career Justice Department official, Daniel Koffsky, declared the earlier opinions erroneous or obsolete, allowing Trump to appoint Jared Kushner as a senior advisor and to later appoint his daughter Ivanka to an official but unpaid position. The earlier opinions were prepared for Presidents Nixon, Carter, Reagan and Obama. The opinion concluded that another law passed in 1978 providing special hiring authority to the president allows him to make appointments to the White House Office that the anti-nepotism statute might otherwise forbid. While the Reagan and Obama-era opinions were issued after the 1978 law, it is unclear whether they dealt with that issue.

d) **Welfare:** Politico reported that Trump Administration officials are considering an executive order that would instruct federal agencies to review low-income assistance programs, as part of an effort to make major change to such programs. The White House has begun circulating a draft order to federal agencies for comment last week. The draft order calls on agencies to review existing regulations and propose new rules that conform to a set of broad welfare principles, including tighter work requirements that encourage recipients to shift back into the labor force. The order also calls for streamlining or eliminating duplicative services and establishing program performance accountability measures. It also encourages greater cooperation with state and local governments. The draft order, which has been under discussion by an internal White House-led working group since the spring, calls for a high-level overview of programs across federal agencies. The agencies in the process of reviewing
the order include the Department of Health and Human Services, the Labor Department, the Agriculture Department, the Treasury Department, the Education Department and the Commerce Department.

e) Environment and Energy: The Washington Post reported that Energy Secretary Rick Perry took steps to support two financially-compromised nuclear plants under construction. Perry announced that the Energy Department would provide $3.7 billion in loan guarantees to three Georgia utilities struggling to complete a pair of nuclear reactors at the Alvin W. Vogtle generating plant. The loan guarantees come on top of $8.3 billion in loans the department has already given to the project, but they still might fall short of what will be required to complete the costly reactors. The nuclear project has been running far over-budget and behind schedule, and the utilities have been scrambling to come up with financing after Westinghouse, the main engineering company for the plants, declared bankruptcy earlier this year. The AP1000 reactors are part of a new generation of nuclear plants. The new loan guarantees would provide $1.67 billion to Georgia Power (a subsidiary of Southern Co.), $1.6 billion to Oglethorpe Power Corp., and $415 million to three subsidiaries of the Municipal Electric Authority of Georgia. Critics of the loan guarantees say the construction of the Vogtle reactors is risky and there is a strong possibility the loans will not be repaid. The Georgia Public Service Commission must review the utilities’ financial plans and construction progress regularly because the utilities have already been passing along costs to consumers.

Perry also took steps to redefine how coal and nuclear plants are compensated for the electricity they provide. Citing department’s recent very controversial study about the workings of the electric grid, Perry asked the Federal Energy Regulatory Commission (FERC) to adopt new regulations that would ensure coal and nuclear plants that add to the grid’s reliability can recover their “fully allocated costs”. He argues that the grid requires coal and nuclear plants to provide reliable baseload power. He argued these baseload plants provide critical stability and reliability to the electric grid and should be compensated accordingly. He cited both the department’s recent grid study, but also the recent hurricanes as well as power outages during the 2014 Polar Vortex. However, in California, New York and other states the combination of renewables and natural gas with energy storage is providing baseload power.

If this action is agreed to by the Federal Energy Regulatory Commission (FERC), would provide incentives for electricity generation by coal and nuclear rather than natural gas or renewables. Perry moved to help nuclear and coal plants competing in regional electricity markets. FERC has 60 days to decide what action to take. While there is no guarantee the agency will go along with Perry’s request. Trump has recently appointed people to key posts at FERC. Its new chairman, Neil Chatterjee, has already signaled he would be receptive to the move. If FERC adopts the proposed policy, it would result in lawsuits. It might lead to states dropping out of some regional electricity markets, primarily those in the Northeast, Mid-Atlantic and Midwest.
f) **Iran Nuclear Deal**: Politico reports that Donald Trump’s national security team has unanimously recommended that he decertify the Iran nuclear deal, but that he stop short of pushing Congress to reimpose sanctions on Tehran that could unravel the agreement. Trump’s team plans to work with Congress and European allies to apply new pressure on the Iranian regime, according to a strategy developed in an Iran policy review. But the strategy assumes the nuclear deal will remain intact for now. The deliberations came before the October 15 deadline to certify Iran’s compliance with the deal.