

Research List 073117 for Week of 080617

The Action Team has requested research in the following areas. Please consider one of these areas before other items on the list. Thank you!

If anything happens, and you believe additional research should be done on our regular areas, healthcare (<https://5calls.org/issue/rec5i3b5mezyY0PhH> , <https://5calls.org/issue/recUS2R00gEvm4LBm> ); Russia Investigations and mutual sanctions; the threats from North Korea, China and elsewhere; or, in any other area, please feel free to submit the information and let me know so I can coordinate efforts. Again, the request is to have the #1-3 specifically researched this week. Having more than one person researching a topic isn't a bad thing. If more than one person submits research on a topic, it will be combined for the report.

Topic	Pages
1. The National Environmental Studies Act and building “the wall”.....	2
2. Gerrymandering.....	3
3. SB720: Bill entitled "Israel Anti-Boycott Act”.....	4
4. SB1460, The Energy and Natural Resources Act of 2017.....	5
5. DACA and Immigration.....	6
6. <Deleted>	
7. The influence of religious fringe beliefs on our government and our people.....	7
8. Fraudulent tRump/Pence/Kobach Voter Fraud Commission.....	8
9. Trump’s National Labor Review Board appointments.....	9
10. HealthCare.....	10-12
11. Russia.....	13-14
12. Repeal the 2001 Authorization to Use Military Force.....	15
Future Topics / Good News.....	16

Our MoCs:

Senator Murray - (253) 572-3636 or (206)553-5545 or (202) 224-2621

[www.murray.senate.gov/public/index.cfm/contactme](http://www.murray.senate.gov/public/index.cfm/contactme)

Senator Cantwell - (253) 572-2281 or (206) 220-6400 or (202) 224-3441.

[www.cantwell.senate.gov/public/index.cfm/email-maria](http://www.cantwell.senate.gov/public/index.cfm/email-maria)

Representative Heck – (360) 459-8514 or (253) 208-6172 or (202) 225-9740

<https://dennyheck.house.gov/contact/email-me>

1. The National Environmental Studies Act and building “the wall”: A portion of the wall will cut through a wildlife preserve in Texas. There was no Environmental Impact Study (EIS) as Congress passed a law in 2005 that allows the Homeland Security Secretary to waive any studies it wants to. What will be the impact? Is there a way to force an EIS?

<https://www.epa.gov/environmental-topics/environmental-information-location>

<https://www.epa.gov/border2020>

<https://www.epa.gov/border2020/policy-fora-2-year-action-plans>

<https://www.texastribune.org/2017/07/28/construction-first-border-wall-segment-begin-november-along-rio-grande>

2. Gerrymandering: The courts recently tossed North Carolina's gerrymandering efforts as blatantly intended to minimize minorities through illogical and direct efforts to reduce the influence of the many votes to GOP votes.

<https://www.theatlantic.com/politics/archive/2017/05/north-carolina-gerrymandering/527592/>  
<http://www.governing.com/topics/politics/tns-supreme-court-racial-gerrymandering-north-carolina.html>

This is another example of this administration's, and many state legislatures, efforts to outlaw free speech and free assembly. Each state is allowed to create their own process for the drawing of CD lines within their state. Is it time to advocate for an amendment to voting laws to create a national standard for this activity? To possibly include non-/bi-partisan panels, no party having a majority of members, and guidelines for creating district lines along manmade and natural lines – geography, county or other jurisdiction, river, highway, etc.? Should it make every attempt to have communities united, not divided?

3. SB720: THE bill is entitled "Israel Anti-Boycott Act," went to Senate Banking, Housing & Urban Affairs Committee in the Senate since March 23, 2017. The bill makes protests, request for companies to divest and boycott Israel, a felony punishable by a minimum of \$250K fine up to \$1M) and 20 years in jail. Senate bill 720; one of sponsors was Maria Cantwell. Currently the bill has 43 senate sponsors; 224-227 representative sponsors. Opposed by ACLU and UN.

<https://theintercept.com/2017/07/25/cardin-amend-israel-boycott-bill-bds/>

<http://www.jpost.com/BDS-THREAT/BDS-activists-prevented-from-boarding-flight-to-Israel500653>

#### 4. S.1460 - Energy and Natural Resources Act of 2017

##### Summary

- This bill was introduced on June 29, 2017 by Senators Lisa Murkowski (R-AK) and Maria Cantwell (D-WA). This bill is nearly 900 pages. It amends a number of acts and initiates other programs. There is no summary of the bill as of 7/27/2017

##### Talking Points

- The bill is the successor to their broad, bipartisan legislation from the previous Congress and was placed directly on the Senate Calendar for expedited floor consideration. The previous bill did not pass because the two versions could not be reconciled.
- If Republicans fail to pass a health care bill, Democratic aides and outside groups said McConnell may bring up the energy bill before the Senate next week to show the Senate can move quickly and approve bipartisan legislation.
- This bill promotes fossil fuel extraction, and does not responsibly support renewables; it will thereby exacerbate climate change.
- Three hundred and fifty organizations have come out against this bill. Their assessment is that it is similar to the Energy Modernization of Act of 2015, which did not pass in the last Congress.
- Bernie Sanders has stated opposition to this bill
- The bill provides expedited review of fracked gas export terminals, requiring a decision on such proposals within just 45 days of an environmental review. This will encourage more fracking, and create front-line sacrifice zones for the sake of overseas gas export and profit.
- The bill will make the pro-industry Federal Energy Regulatory Commission the lead decision maker in authorizing all new interstate fracked gas infrastructure projects
- The bill instructs the Bureau of Land Management to create a pilot program for expediting drilling and fracking permits.
- The bill allocates millions of dollars for discovery, development and extraction of methane hydrate deposit in U.S. coastal waters.
- Renewable energy initiatives are directed at hydroelectric, which has problems associated with dams, habitat loss, and disrupting fish passage. Wind and solar are not included as initiatives.
- This bill will act in concert with previous Trump administration rollbacks, such as the pullout of the Paris Accords and the dismantling of the clean power plan to increase CO<sub>2</sub>, other pollutants, and the risks associated with climate change and air pollution.

##### Action

- Call Senator Cantwell and ask her to rescind her support for the bill. Ask her to craft a different bill, moving away from fossil fuels and investing in renewable energy and technology.

##### Resources/Articles

- The Bill
- Energy Committee press release,
- Sanders moves against energy bill,
- Letter of opposition from 350 organizations,
- EcoWatch article: Does Cantwell stand with the environment or with Trump?

5. DACA and Immigration

<https://5calls.org/issue/recq0O67VoMFFRQZo>

<http://people.com/politics/john-kelly-new-white-house-chief-of-staff-people-explains/>

<https://niskanencenter.org/blog/congress-needs-provide-dreamers-permanent-protection/>

[https://www.texasattorneygeneral.gov/files/epress/DACA\\_letter\\_6\\_29\\_2017.pdf?cachebuster:](https://www.texasattorneygeneral.gov/files/epress/DACA_letter_6_29_2017.pdf?cachebuster:)

<https://www.indivisibleguide.com/resources/immigration/>

<https://www.indivisibleguide.com/resource/defund-trumps-mass-deportation-machine/>

6. <Deleted>

7. Freedom From Religion in Our Government / Protect the Johnson Amendment

#### Background

On June 29th, the House Appropriations Subcommittee on Financial Services and General Government passed a FY 2018 spending bill that includes a provision to bar the Internal Revenue Service from enforcing the Johnson Amendment. The 1954 law currently prohibits tax-exempt houses of worship from endorsing political candidates or making campaign contributions.

Currently, the IRS revokes the tax-exempt status of any church or religious institution that endorses or funds a political candidate. If the IRS were to stop enforcing this rule, individuals and big donors could skirt campaign finance laws by funneling tax-free donations to candidates by way of churches (currently, no political campaign contributions are tax-exempt). The change would allow religious institutions to become major money players in our government by serving as channels for dark money donations to political campaigns. It is clear that the Subcommittee's rule change is specifically designed with right-wing evangelical groups in mind, as the proposed rule only mentions exempting churches and not other places of worship (mosques, synagogues, etc.).

#### Talking Points

The House's attack on the Johnson Amendment parallels the "Religious Liberty" executive order Trump signed in May. While a President cannot repeal or change laws such as the Johnson Amendment, Congress can, and is now doing so through the 2018 federal budget. The Financial Services spending bill that contains this provision now moves to the full House Appropriations Committee for further debate.

#### Action

Call all of our MoCs

- Urge them to stop the criminalization of boycotts, Israel Anti-Boycott Act (S.720/H.R. 1697), to amend existing international business laws to make it a felony for Americans to support the UN resolution or to cooperate with any other international efforts to boycott Israel.
- While the Israel-Palestine conflict is an ongoing, complicated matter, this bill goes a step too far and criminalizes the ability of an American to protest.

8. Slowing down or stopping the fraudulent tRump/Pence/Kobach Voter Fraud Commission  
<https://5calls.org/issue/rechrLJKOvj0ELmaR>

9. Trump's National Labor Review Board appointments: Mother Jones, Common Dreams, SF Chronicle, The American Prospect

## 10. Healthcare

Summary: 3 votes ended with “Skinny repeal” failed by one vote. The Senate leadership says ACA repeal dead for now. Senate leadership says ACA repeal dead for now: The Washington Post reported that Senate Republican leaders signaled on August 1 that they intend to move on from health care to other priorities, despite efforts by Trump and his OMB director to push to repeal the ACA and to replace it.

### Talking Points

- *HHS Secretary Tom Price is considering waiving the individual mandate:* The individual mandate is the provision under the ACA that all Americans have health insurance. If the mandate is waived, the individual market nationwide will weaken and perhaps collapse. It was this issue that triggered the collapse of the skinny option amendment in the Senate last week.
- *HHS Secretary Price*
- *Cost-sharing reduction payments threatened:* The cost-sharing reduction payment problem results from an oversight in the drafting of the ACA. In the legislation, insurers were required to pay deductibles and co-pays for low-income participants in the exchanges (from 100-250% of the federal poverty level (about \$12,000 to \$30,150 a year for an individual), but the funding for payments to reimburse insurers was not included. In 2014, the Republican-led House filed the lawsuit arguing that the cost-sharing reduction payments to insurers are illegal because Congress has not provided a specific appropriation for them. They total \$7 billion for fiscal 2017. There is fear that the White House will drop the appeal to this case initiated during the Obama Administration. Insurers have threatened to abandon the exchanges if the payments are dropped.
- *DC Circuit court allows states to defend the payments:* The Hill reported that the DC Circuit Court of Appeals ruled that 16 Democratic state attorneys general have standing in the cost-sharing reduction payments case in the House-initiated suit.

The DC Circuit court decision means that even if the Administration drops the appeal, the case will continue and the court will have the authority to stay any effort by the Administration to stop making the payments. The appeals court decision said that the states face a substantial risk that if payments are terminated, insurance prices would quickly rise and result in a large increase in the uninsured. The court also said that the states also raised sufficient doubt concerning the adequacy of the Department of Justice’s representation of their interests.

- *Graham and Cassidy push state health funding devolution:* Senators Lindsay Graham (South Carolina) and Bill Cassidy (Louisiana) are pushing a bill that would distribute ACA funding to the states in the form of block grants, to spend on health care as they wish. States that want to maintain the ACA would be able to, and other states could try different approaches. However, the bill would still force deep health spending cuts and eliminate Medicaid as an entitlement. The initial block grant in 2020 would be 16% lower than under current law. By limiting the growth of that spending, spending would go down to 34% (\$83 billion) lower than under current law. It would also threaten the ACA subsidies to make purchasing insurance on the exchanges affordable. States would be required to make up to a 5% match received by 2025. States would initially compete to ensure the received the most money, with states that expanded Medicaid likely the biggest losers.

***The sponsors’ goal is not to pass their bill, but to get ACA repeal back on the agenda, rather than having it die. Some Republican leaders have met on the bill with Dean Heller, with Trump aides and with House Freedom Caucus.***

- *Senate HELP committee starts work to stabilize individual market:* Politico reported that Senate Health, Education, Labor and Pension (HELP) committee Chairman Lamar Alexander and ranking member Patty Murray have planned a series of hearings aimed at drafting bipartisan

legislation to stabilize and strengthen the individual health care markets operating through the ACA exchanges. The hearings will begin the week of September 4. The hearings will feature health policy experts, including state insurance commissioners, patients and insurance industry representatives. Alexander said that he had urged Trump to continue paying for cost-sharing reduction payments through September, to give Congress time to craft a stabilization plan that would include a year of funding for them payments. The two senators committed to including senators outside the HELP committee in the work. However, insurance companies will be setting their rates for next year's ACA exchange policies in the next month, so it is not clear that this effort will take place in time to impact 2018 rates.

It appears that a majority of the members of the Senate HELP committee, including those listed below, may support Murray's and Alexander's bipartisanship. If you have time, contact these members to urge they support Committee leadership's efforts to stabilize the insurance markets:

#### Republicans

- Lamar Alexander, Tennessee, Chair (202) 224-4944
- Patty Murray, Washington, Ranking Member (253) 572-3636
- Susan Collins, Maine (202) 224-2523
- Lisa Murkowski, Alaska (202) 224-6665
- Patty Murray, Washington, Ranking Member (253) 572-3636
- Bob Casey Jr., Pennsylvania (202) 224-6324
- Al Franken, Minnesota (202) 224-5641
- Michael Bennet, Colorado (202) 224-5852
- Sheldon Whitehouse, Rhode Island (202) 224-2921
- Tammy Baldwin, Wisconsin (202) 224-5653
- Chris Murphy, Connecticut (202) 224-4041
- Elizabeth Warren, Massachusetts (202) 224-4543
- Tim Kaine, Virginia (202) 224-4024
- Maggie Hassan, New Hampshire (202) 224-3324
- Bernie Sanders, Vermont (202) 224-5141

*Bipartisan House group pushes for health care stabilization:* Politico reported that a coalition of 42 House members, divided equally between Republicans and Democrats, has unveiled a set of ACA fixes they hope will gain traction after the failure of ACA repeal. The coalition includes the Problem Solvers caucus and members from the New Democrat Coalition and the Republican Tuesday Group. They have been meeting for months, on the possibility that ACA repeal might fail. The coalition's focus is on stabilizing the insurance market and then pushing for ACA changes that have receive bipartisan backing in the past.

- *The proposal includes funding cost sharing subsidies.* They would limit the employer mandate to firms with over 500 employees, up from the current 50. They would create a federal stability fund that states could tap to reduce insurance premiums, copays and deductibles for those with expensive medical needs. That proposal was included in the House and Senate Republican ACA repeal packages. They would eliminate the ACA medical device tax. They would also allow more scope for ACA waivers.
- *Public opposed Republican handling of health care:* Politico reported that a Quinnipiac University poll showed that 80% of voters disapproved of the way Republicans in Congress are handling health care, including 60% of self-identified Republicans. A total of 64% of votes disapprove of Republican ideas to replace the ACA while only 25% are in favor of the legislation presented so far. Only 22% of voters say that Trump and Republicans should repeal all of the ACA. A total of 40% are in favor of partial repeal which 33% want no repeals. Voters oppose cuts in Medicaid by

69%-26%, including 52% of Republicans opposing cuts while only 39% support cuts. A slim majority of voters support a single-payer health care system—51%-38%.

#### Action

Contact HHS Secretary Price (E-mail Address: [Secretary@HHS.gov](mailto:Secretary@HHS.gov) Phone Number: 202-690-7000) and tell him to reject plans to eliminate the individual mandate. Ask him what information he has used as a basis to justify elimination, factual information – not deflection. Tell him not to take action until after the HELP Committee has an opportunity to process ACA Reform as a matter of usual order.

Contact Senators Murray and Cantwell and ask them to take whatever action is necessary to stop all efforts to eliminate the individual mandate. Ask Senator Cantwell to support the Senate HELP Committee's efforts to work in a bipartisan fashion to improve our health care system rather than the Trump administration's efforts to torpedo it. Thank Senator Murray for her leadership, as ranking member on the committee, and ability to work across the aisle.

## 11. Russian Interference with the election

### Summary

Robert Mueller is using a DC grand jury to present evidence and issue subpoenas in the Russia hacking and possible collusion investigation. Trump dictated the initial misleading statement by Donald Jr. regarding his meeting with the Russian lawyer and other Russians in June 2016, disregarding the views of his advisors. The Russia sanctions bill passed both Houses of Congress by overwhelming votes and Trump signed it. The Senate will hold pro forma sessions in August to prevent a Trump recess appointment of a new attorney general. Two groups of senators file bills that would provide judicial appeal if Trump fires Robert Mueller. Christopher Wray confirmed as FBI director. New Chief of Staff Kelly called Attorney General Sessions to say his job is safe.

### Talking points

- In a major turn in the Russian hacking investigation, Robert Mueller has begun using a DC grand jury to present evidence and issue subpoenas in the Russia hacking investigation. This suggests that the investigation is beyond the initial evidence gathering stage and is moving to subpoena documents and to compel testimony.
- The Washington Post reported that Trump himself dictated the initial misleading statement by Donald Jr. about his meeting with a Russian lawyer and other Russians and other high-ranking campaign officials. This took place against the recommendation of his advisors. The meeting was actually ostensibly about getting damaging information about Hillary Clinton from the Russian government. The real story became public just days later. This is important because it is another possible instance of Trump himself possibly obstructing justice.
- The Congress passed the Russia sanctions bill by overwhelming majorities in both houses. The bill would provide a congressional option to prevent the lifting or easing of Russia sanctions. Trump signed the bill, but issued a signing statement saying some of its provisions were unconstitutional.
- The Senate will hold pro forma sessions in August to prevent Trump from making a recess appointment of a new attorney general.
- Two groups of senators filed bills which would provide the option of court review if Donald Trump fires special counsel Mueller. In one bill, the court would review the decision; in the other, Mueller could appeal the firing to a three-judge panel. The two sets of senators say they will work to develop a common proposal.
- The Senate confirmed Christopher Wray as the next FBI director with a 92-5 vote.
- The new presidential chief of staff, General Kelly, reportedly called Attorney General Sessions to reassure him that he would not be fired, though Trump remained angry with him.

### Where our members stand

Both senators called for a special prosecutor to be appointed by the Justice Department, and praised appointment of Robert Mueller to that post. Congressman Heck has call for an independent commission for some months and signed discharge petition to move HR 356 (which would establish a commission) to the House floor. Our senators stood with other senators to push the Senate to not fully recess to prevent a Trump recess appointment of a new attorney general who could fire Robert Mueller.

### Action

Call, email, fax, send a postcard to our MoCs:

- Thank them for opposing Trump efforts to fire Attorney General Sessions (despite our opposition to his policies) in order to fire special counsel Robert Mueller and oppose all efforts by Trump, his legal team and conservative media to limit, end or delegitimize that Mueller's investigation.
- Thank our members for pushing for the Russia sanctions bill. Thank Congressman Heck for speaking out publicly on this legislation.
- Ask our Senators to push for an independent commission with subpoena power. Thank Congressman Heck for doing so. Only an independent commission can conduct an independent investigation that can also share facts with the public.
- Encourage our senators to continue to support an aggressive Senate Intelligence Committee investigation. Encourage Congressman Heck to continue to push for an aggressive House Intelligence Committee investigation. In the absence of an independent commission, the congressional investigations are the best way to get information on Russian involvement in the election and possible collusion out to the public. Members should not to let the appointment of a special prosecutor end or impede the congressional investigations.
- Thank our members of Congress for continuing to stand up for democratic accountability and public transparency in this investigation.

## 12. Repeal the 2001 Authorization to Use Military Force

On 07/18/17 Speaker Ryan removed Rep. Barbara Lee's amendment from the Defense appropriations bill in an effort to block it from receiving public debate on the House floor.

On September 14, 2001, in the days following the largest ever terror attack on American soil, Congress passed the Authorization for Use of Military Force (AUMF), granting the President the authority to use "all necessary and appropriate force" against those who "planned, authorized, committed or aided" the attacks of September 11th "in order to prevent any future acts of international terrorism against the United States".

Since 2001, the AUMF has been used as the legal basis for military action against a broad range of groups extending far beyond those implicated in the September 11th attacks. According to the Congressional Research Service, the 2001 AUMF has been used in at least 14 different countries to justify military intervention. For 16 years, the executive branch has used this overly broad and outdated authorization to wage unending war against terrorism with little or no appropriate congressional oversight.

In June, the House Appropriations Committee approved an amendment to repeal the AUMF for inclusion in the 2018 Defense Appropriations bill. The amendment will revoke the AUMF 240 days after the appropriations bill is passed, giving Congress and the administration an eight month deadline to debate the provision and develop measures to replace it. The Republican-controlled committee's approval of the amendment, which was introduced by Rep. Barbara Lee (D-CA), marks a significant and bipartisan step towards reinstating congressional oversight for military intervention and ending the executive branch's overly broad power to wage war.

On 07/18/17, Speaker Ryan removed Rep. Barbara Lee's amendment from the Defense appropriations bill in an effort to block it from receiving public debate on the House floor.

### Action

Call Speaker Ryan and tell him you are disappointed he removed Rep. B Lee's amendment in an effort to block it from receiving public debate. Tell him we expect him to put the amendment back up for consideration. This was a bi-partisan vote in committee, is an example of common sense, and the public insists he

Future Research Topics:

- A. Emphasize need for MoC support against Trump administration targeting of LGBTQ community. Calls, visits to delegation emphasize, include, or stress objection to transgender exclusion issue AND the justice dept notice re: LGBTQ and discrimination protection. (*Member requested.*)
- B.
- 1) Defend DACA and Support the Durbin-Graham DREAM Act (S. 1615)
  - 2) Don't support funds for Trump's border wall
  - 3) Stopping Kobach/Pence/Trump voter fraud/suppression commission.
  - 4) Keep religious organizations out of politics (protect the Johnson Amendment)
  - 5) Maintain funding for teen pregnancy prevention programs
  - 6) Demand Congress fund the fight against the opioid crisis
  - 7) Tillerson shuts State Department War Crimes Office
  - 8) Sessions expands DOJ's asset seizures program: The Hill, WaPo, NPR, Standard Republic
  - 9) Protest H.R.2936 - Resilient Federal Forests Act of 2017; Pamplin Media, Pacific Standard, Gear Junkie

Good News:

- When asked if the 2018 midterms were held today, 52% of voters say they would like the Democrats to gain control, compared to 38% against. This includes 48% of self-identified independents favoring Democratic control and 37% against. A total of 53% of voters would like Democrats to take the Senate compared to 49% against. While Democrats only have a 36% favorability, compared to 22% for Republicans, 56% of voters think Democrats can do better than Republicans on health care.