

## Memorandum

### NOW Government Relations Report – Part I

**To: NOW National Board Members**

**From: Jan Erickson, Government Relations Director, and Bonnie Grabenhofer, Vice President**

**Date: June 16, 2017**

#### **Trump's Chaos, 115<sup>th</sup> Congress Pushing Extreme Right Wing Agenda**

The actions of an unprepared, uninformed and impulsive **President Donald Trump** during the first five months of his term have created chaos and confusion – not only among White House staff but among the press and public. His many contradictions, outrageous statements and impulsive actions continue to keep many off balance. Certainly, this creates a distraction so that **GOP Congressional leaders** can move their hard-right agenda, repealing the Obama legacy, undermining a wide array of human needs programs and rewarding their billionaire backers with promised deep tax cuts.

Fortunately, the **Democrats** seem quite focused and unified on their role and that is to oppose nearly everything coming out of the White House and from the right-wing Republican Congressional leadership. Even if Trump does not read very much or understand the implications of actions he's taking or legislation he's signing, the Republican leadership is more than willing to take advantage of the opportunity to pass their long-desired corporate friendly, anti-woman, anti-environment legislation.

The next few years will see many of the equality initiatives that women's rights advocates have achieved over the last 50 years seriously weakened or repealed altogether. This is a very deep crisis we are facing.

**Supreme Court:** A major loss was sustained when Trump's ultra-conservative, anti-women's reproductive rights candidate for the Supreme Court, **Neil Gorsuch**, was confirmed. It's tragically obvious to say that his confirmation would not have happened had Democrats taken the majority back in the Senate. But now we are fearfully certain that a case or several cases which further limit women's access to

reproductive health care will be coming before the high court and there will likely be a 5 to 4 split in the wrong direction. Other hard won women's and civil rights protections are at risk.

More bad news: rumors are circulating that swing voter **Justice Anthony Kennedy** may soon be announcing his resignation.

**Appointees:** A succession of Trump's nominees for cabinet and major agency director positions whose records were shockingly bad left many in disbelief. The vast majority are older white males and very rich; an estimated total for combined wealth of just cabinet members puts the total in excess of \$14 billion. Nearly all nominees for top posts have been confirmed. At the same time, Trump has had trouble filling other important posts due to numerous refusals by experienced professionals who do not want to serve in his administration. Many agencies are functioning (sort of) with top jobs unfilled; some – like the State department – are seeing senior executives quit or retire.

To name just a few of Trump's cabinet members who have been confirmed (NOW sent letters of opposition to the Senate regarding many of these nominees):

Beginning with the early civil rights opponent of **Sen. Jeff Sessions** (R-Ala.) but nonetheless confirmed as Attorney General who was reported to have met with the Russian ambassador, **Sergey Kislyak**, and allegedly lied about, later saying that he might have met with him – though in his appearance before the Senate Intelligence Committee on June 13 he vigorously denied meeting with any Russians. In fact, Sessions stonewalled for most of the questions, claiming that he was not answering because he wanted to preserve the president's executive privilege permitting him not to divulge certain information that might be in the public interest – though at the time, the president had *not* extended that privilege to Sessions – a possible precedent worrying to Democrats;

--To the **Secretary of Health and Human Services**, the former Rep. **Tom Price** (R-Ga.), who is a hard core opponent of women's reproductive rights and who has long worked for a repeal of the Affordable Care Act. He helped shaped the horrible American Health Care Act which ultimately passed the House with no hearings, no Congressional Budget Office estimate of the cost and impact and with almost no member of the House having read the bill. Price has ethical issues relating to stock

purchases and legislation he authored that would have increased profits for these investments;

--To the hard-core **Environmental Protection Agency** adversary **Scott Pruitt** now as **EPA administrator** overseeing budget cuts of 31%, shedding a quarter of EPA's workforce which will result in the closure of 567 specific monitoring, enforcement, regulatory and research programs. Pruitt is a climate change denialist and promises to eliminate scores of environmental protection regulations. (Trump announced the U.S. withdrawal from the Paris climate agreement on June 1. Fortunately, the withdrawal doesn't take effect until November 4, 2020 and an incoming president in January, 2021 can rescind the withdrawal and rejoin the agreement. Meanwhile many companies, cities and some states have said they will continue to abide by provisions of the agreement to reduce carbon dioxide emissions.);

--To the spectacularly uninformed billionaire **Betsy DeVos** as **Secretary of the Department of Education** who is determined to replace federal aid to public education with billions of dollars for unaccountable voucher programs funding private, for-profit and religious groups. During hearings, DeVos refused to directly answer questions about whether she would protect transgender bathroom access and the **Office for Civil Rights** (OCR) enforcement of sexual assault and other discrimination claims. The future of Title IX enforcement does not look good with her selection for the head of OCR: a young woman who said that she has faced discrimination as a white person. Candice Jackson, is a long-time anti-Clinton activist and libertarian who has denounced feminism and race-based preferences;

--To the wife-batterer and sexist Hardee's and Carl's Jr. restaurant chain-owner and millionaire, **Andrew Puzder**, who has an extensive record of unfair labor practices, safety violations, sexual harassment, and wage theft among numerous other employee complaints. Puzder's bid for **Labor Secretary** ended by withdrawal after Oprah released tapes featuring his ex-wife talking about his abuse on Winfrey's television program;

--To **Alexander Acosta**, a former **National Labor Relations Board** member, who some Republicans are reported to believe that Acosta as the new **Secretary of the Department of Labor** will dismantle such Obama administration initiatives as the

overtime pay and fiduciary rules, and other labor protections that some employers find “onerous.”

**Conflicts of Interest Problems:** Two lawsuits were filed by the Attorneys General of the District of Columbia and Maryland in early June against Donald Trump for violations of the **Emoluments Clause**. They charge that the president is profiting from ownership of hotels and resorts which are being patronized by foreign governments. The Constitution prohibits federal officials from accepting gifts or emoluments from foreign governments and prohibits the president from accepting economic benefits or emoluments from the federal or state governments, other than his salary. Courts have never interpreted what constitutes an emolument.

It has been estimated that Trump businesses represent conflicts of interest in nearly two dozen countries. Nearly **200 Congressional Democrats**, including 30 senators, **filed a lawsuit** on June 15 against Donald Trump charging that he has been receiving foreign profits in violation of the Constitution without going to Congress to get its consent.

Trump has thus far refused to place all of his companies and investments in a true **blind trust**; his daughter, **Ivanka**, and son-in-law **Jared Kushner** have done this only in a very limited fashion and, reportedly, other cabinet members and top officials including numerous millionaires and billionaires have not placed all their holdings in blind trust. Trump’s two sons, **Eric** and **Donald Jr.**, who theoretically run the family business, continue to pursue business opportunities at home and abroad while being protected full-time by the Secret Service. It was announced this week that Jared Kushner’s interactions with Russian officials or business contacts are now being investigated.

Additionally, Democrats in the House are pushing a discharge petition to get a bill brought to a floor vote that would require the **Internal Revenue Service** to release Trump’s tax filings.

**Russia Investigation:** We are all waiting to hear more about what sort of interactions may have taken place between Trump associates and maybe Donald Trump himself and Russian operatives that may have led to Russian interference in the **November elections**. It was disclosed on June 13 that hackers employed by the Russians had infiltrated voting systems in 39 states. The FBI and Department of

Homeland Security found **that Russian hackers** had infiltrated Illinois' voter databased and compromised up to 90,000 voter records. Earlier in June, it was disclosed a Russian intelligence agency had stolen election data from a private U.S. company in order to fake their identity as a software company so that they could infiltrate local election officials' computers. The **Senate Select Committee Intelligence** appears to have bipartisan determination that this investigation should continue.

**Firing Comey and Obstructing Justice:** Trump's firing of **FBI Director James Comey** for what the president admitted was to stop the agency's investigation into possible collusion between the Russians and Trump's campaign and administration officials to influence the election. Trump is now the target of an investigation by the **FBI Special Counsel Robert Mueller** into whether the president may have obstructed justice in this regard. Comey's testimony on June 8 before the Senate Select Committee On Intelligence revealed that Trump had expressed his "hope" to Comey that the Russian investigation could be stopped. Reportedly, Trump has been talking about firing Special Counsel Mueller, but advisors and family members are imploring him not to.

**Tax Reform:** What's likely to have an enormous impact on the nation as a whole is tax reform; the laughable one-pager from the White House a few weeks ago outlining their proposal indicates that reform means more money for the rich and less for the middle- and lower-income tax payers. Republican tax reform is most likely to continue expansion of the wealth gap. Reportedly, the Republican leadership is anxious to pass the health care reform bill so that they can move quickly to tax reform. A need to raise the **debt ceiling** is quickly approaching, yet the Trump administration is reported to not have a plan for this yet. Failure to do so will send shock waves through both domestic and global economic systems.

**Budget Proposal:** The Trump budget proposal for FY 2018 proved to be a nightmarish, possibly dead-on-arrival document when released on May 23. His draconian proposal includes \$800 billion in cuts to Medicaid and deep cuts to 70 programs related to health care, food and nutrition, income support, disability and programs serving domestic violence survivors. Targeted for the cuts are: **Social Security Disability Insurance** and **Social Security Supplemental Insurance**, school lunches, **SNAP** (food stamps), meals for seniors, housing assistance, **Title**

**X - family planning**, veterans' benefits, **TANF** (welfare), **child care block grants**, aid to education programs for low-income students and many other worthy human needs programs.

The **Women's Bureau** at the **Department of Labor**, recently headed by former NOW Vice President Latifa Lyles, is proposed for elimination. NOW and allied organizations have sent Donald Trump a strong letter of objection. Other similar offices could be at risk, such as the **Office on Violence Against Women** in the **Department of Justice**, the **Office of Women's Health** at the **Food and Drug Administration**, and the **Office of Research on Women's Health** with the **National Institutes of Health**.

If those proposals get adopted in the final budget for FY 2018, there will be a significant impact to the economy not to mention the serious harm for many low- and moderate-income households. One estimate alone about the broad economic impact of the **American Health Care Act**, if it were to pass Congress, is the loss of 1.8 million jobs and – not just in the health care sector.

**American Healthcare Act: Senate Majority Leader Mitch McConnell (R-Ky.)** and a group of Republican men have been quietly re-writing the House-passed American Health Care Act (which would result in 23 million persons losing their health insurance over ten years) and are expected to bring the bill to the floor with little warning. No committee hearings have been held and whether the **Congressional Budget Office** will have been able to determine its cost and impact before the vote is not known. Insiders are predicting that Medicaid funding to subsidize health care plans for low-income persons, for persons with disabilities and nursing home residents (mostly women) will be drastically cut.

What seems fairly certain is a Senate version that, if passed, and signed into law will result in higher health care costs for individuals, covering fewer services, and very likely causing millions to lose insurance coverage. You can bet that there will be higher costs for maternity care, no requirement of plans to cover no-copay contraceptive coverage, no list of essential benefits to be covered, no prohibition against higher costs for women for the same coverage men receive, no mandated coverage for no-cost preventive health care screenings, and an inadequate provision relating to coverage for persons with pre-existing health conditions.

**NOW** activists will have to fight very hard to stop what will likely be a horrible bill.

**Repealing Obama Executive Orders, Regulations** – During the first few months in office, Donald Trump took action to overturn numerous Executive Orders (EO), Presidential Decision Directives, and regulations – many adopted during the Obama administration. An Executive Order related to improved **workplace safety and fair pay** for employees required of federal contractors and sub-contractors was rescinded. Also overturned was an EO that clarified what constituted a “manager” so that millions more workers who have been called managers and required to work overtime but not paid time and a half, became qualified for overtime pay. This order would have **especially benefitted women workers** who now will not be receiving overtime pay, but having to continue working long hours.

Trump also took actions that would lead to overturning Obamacare or the **Affordable Care Act**. Another would repeal **Dodd-Frank**, the act that was passed in the wake of the economic melt-down of 2007-2009, that would prevent the kinds of abuses by financial institutions the led to the “Great Recession.” Additionally, Trump overturned Obama-era environmental rules and several of the newly-designated **National Parks** and **Monuments**. He also directed agencies to figure out how to eliminate as many regulations as possible.

Another Obama administration action that is targeted by the Republicans is a Department of Labor regulation, known as the **fiduciary rule**. This requires professional investment advisors to make recommendations that are in the **interests of retirement investors**, not just for the company’s or advisor’s financial advantage. Reportedly, retirement savers lose billions of dollars every year due to poor or self-interested advice. Legislation is pending that would repeal that regulation.

**Contraceptive Coverage:** The Trump administration issued a new rule in early June to allow individuals, employers, organizations, and insurers to refuse coverage for contraceptives and related services for women, currently required by the Affordable Care Act’s regulations. In short, this new rule **greatly expands exemptions** currently offered to religious organizations – essentially any

employer, school, or health plan claiming a moral or religious objection to avoid covering contraceptive care. This action would effectively deny access to contraception and related services for **millions of women**. The ACA resulted in a savings of \$1.4 billion annually in out-of-pocket expenses for women. The new rule would make optional the current required accommodation process for religiously-affiliated employers, and remove the current requirement of employers to request exemption through self-certification. This is a very unwelcome step backwards for women's access to necessary reproductive health care.

**Texas Passes Dangerous Abortion Restriction:** An abortion case may come to the High Court sooner rather than later. One possibility is a law passed recently in Texas, one of the strictest (read “dangerous”) bills (SB 8) yet adopted. It **bans the most common type of second-trimester abortion**, dilation and evacuation or D & E. **D & E is generally recognized as often the best and safest procedure** for pregnant women whose health or life is at risk. The Texas law permits the procedure if a woman's life is endangered – but this is not always easy to diagnose, as many doctors will tell you. The law makes criminals of doctors and other health providers for performing a D & E. Another appalling provision is the prohibition for rape and incest victims against obtaining a D & E. Related legislation now requires that fetal remains be cremated or buried. Texas is definitely leading the trend to punish women by restricting their reproductive freedom.

**Global Gag Rule:** It's a familiar picture: white men – no women – standing behind a Republican president who is signing a measure to limit women's access to reproductive health care. We got to see that again on January 24 when Donald Trump signed an Executive Order reinstating the so-called **global gag rule**. This is the measure that prohibits foreign non-governmental organizations from counseling health clients about abortion or advocating for abortion law liberalization. The gag rule was first instituted under Ronald Reagan, later repealed by Bill Clinton, re-instated by George W. Bush, and then repealed by Barack Obama. The Trump gag rule is far more damaging in that it **expands the policy to all global health funding**, so that instead of impacting the \$600 million in U.S. foreign aid, the gag rule will affect \$9.5 billion. So all organizations that work on such problems as HIV/AIDs, malaria, or maternal and child health will have to make sure that their programs do not discuss or make abortion referrals. These sorts of restrictions would be unconstitutional in the U.S., yet this



Republican administration is forcing them on other nations, many of them impacted by high poverty and need for reproductive health care and maternal/children health services.

**Part II :** Because so much is happening in Washington affecting women, this report covers only part of the news. Part II that will be prepared close to the National NOW Conference will provide updates and include information about positive legislation that has been introduced.

### **More Information**

The Center for American Progress produced report, “100 Days, 100 Ways the Trump Administration is Harming Women and Families” is an eye-opening compilation of the myriad policy and program changes are undermining women’s gains,

<https://www.americanprogress.org/issues/women/reports/2017/04/25/430969/100-days-100-ways-trump-administration-harming-women-families/>

A similar document, “100 Days, 100 Ways the Trump Administration is Hurting Americans” is a comprehensive listing of the many ways that low- and middle-income families will be affected by this administration’s policies,

<https://www.americanprogress.org/issues/general/news/2017/04/26/431299/100-ways-100-days-trump-hurt-americans/>