

Senator Dianne Feinstein
One Post Street, Suite 2450
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To: Senator Dianne Feinstein
From: Indivisible East Bay
Date: October 2, 2017
Subject: Resisting the Trump Agenda

Justice Department Oversight:

We are putting together a long, prioritized list of questions we would like to see Sen. Feinstein ask AG Sessions about the terrible job he is doing as the people's lawyer. We also think she should start working on scheduling the next oversight hearing with him right now, since this one took so long to come about. He needs to come in for at least one more hearing this year.

Questions:

- What's already at the top her list of likely questions?
- When will the next hearing be?
- How about a hearing with FBI Director Wray to check in on how "independant" he's truly being?

Defense Appropriations and Constitutional Role of Congress: Will Sen. Feinstein reassert Congress's Constitutionally mandated role of authorizing and regulating the military—and stand up for Congress' democratic process—by amending the defense appropriations bill to repeal the 2001 Authorization for Use of Military Force?

Torture: The last reports via the AP in June of torture in Yemen by our UAE "allies" and military contractors indicate that torture was used to extract intelligence that was seen and utilized by US personnel and contractors serving in the region. Even though the torture was not instigated by US personnel or contractors, we are concerned that personnel and contractors operating in that region did not raise objections about what they saw and it required investigative journalists to uncover the wrong-doing. To ensure that our military and intelligence communities have a channel to report wrongdoing it's important that there are clear protections for people wishing to blow the whistle on use of torture to produce problematic (and inaccurate) intelligence. The legal issue here is that while there are existing protections for members of the military and IC for non-classified matters, classified material and issues that the government considers state secret fall under the jurisdiction of the Espionage Act. Whistleblowing on matters of intelligence collection via torture would seem to have some potential for prosecution under the Espionage Act.

Question:

- Will the senator commit to amending the Whistleblower Protection Act to shield intelligence community personnel and contractors from Espionage Act prosecution?

Federal Bench: We thank Sen. Feinstein for everything she is doing to preserve senators' right to have a say in the federal judges appointed in their hom

e states. We also want her to do more to support senators in exercising that right. We are very concerned about the number of Democratic senators who have returned blue slips on judges who are far outside the mainstream and/or extremely under qualified. Of course we would not want Sen. Feinstein to substitute her judgement for theirs in this matter. However, we think in many cases these Democrats are yielding to the enormous pressure

from the White House and far-right groups like the Judicial Crisis Network rather than standing firmly in their duty to represent their constituents' interests and ensure that they can rely on a well-vetted judiciary, not in the pocket of big business, to settle legal matters in their states. We want her to do everything she can to help her fellow senators stand up to the pressure, including calling attention to the Judicial Crisis Network's attempts to basically buy judgeships by paying for attack ads on home state senators who stand up for their right to be consulted.

Questions:

-Will she protest the decision to squeeze an inappropriate number of nominee into Wednesday (Oct 4) Judiciary Committee hearing? (1 appellate court in the morning, 4 district court judges + 1 DOJ official on same panel for at most 2 hours total).

Cluster Munitions: All types of cluster munitions are internationally banned by the United Nations' Convention on Cluster Munitions given the disproportionate collateral and lethal harm it causes to non-combatant civilians (Convention on Cluster Munitions, 2008, Preamble).

Question: Will Sen. Feinstein commit to ensuring that cluster munitions will continue to be phased out of use via defense appropriations?

Tax "Reform:" We thank Sen. Feinstein for opposing the Republican tax scam that cuts taxes for millionaires and billionaires (including Donald Trump, his family, and many other members of his administration).

Questions:

-What is her plan to prevent the senate from passing this with 51 votes?
-What can we do to help?

Health Care: We ask Sen. Feinstein, in addition to working to protect and stabilize the ACA marketplaces, to help lead the way as Democrats embrace, and figure out how to fund and implement, progressive and inclusive health care policy such as Medicare for All.

Questions:

-What does Sen. Feinstein know about the new Acting Health and Human Services Secretary, Don Wright and why he was selected instead of following a more standard line of succession for the department?
-What is the status of the CHIP reauthorization bill? When will the 9 million children it covers have access to healthcare?

Homeland Security Oversight and Authorization: DHS has not been reauthorized since it was established 15 years ago. There's been a rash of ICE arrests at courthouses. So many in fact that 12 California prosecutors have written a letter to former DHS Secretary Kelly and Attorney General Sessions complaining about the harm to public safety this represents. The DHS Authorization bill has passed the House but not the Senate.

Questions:

-What are the senator's main immigration law priorities in the new DHS authorization bill?
-Is it possible to add language to Senate DHS Authorization bill to disallow ICE arrests at public facilities such as courthouses, schools, hospitals?
-Will the senator commit to adding language to the authorization bill to penalize ICE and DHS personnel who refuse to abide by the agency's own rules¹ for treatment of pregnant and medically vulnerable detainees²?

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<https://www.aclu.org/blog/immigrants-rights/immigrants-rights-and-detention/federal-government-detaining-pregnant>

² <http://www.aila.org/infonet/public-complaint-treatment-of-pregnant-women-ice>

- When will the text of the Senate version be available since the House version was passed in July³?
- Despite internal reports from the IG showing ineffectiveness of the practice, DHS has a proposed rule change to collect social media handles for all immigrants (including naturalized citizens). Will the senator commit to prohibiting this costly, ineffective and free-speech squelching initiative in the the reauthorization bill for DHS?
- Will the senator co-sponsor S.1856, Stop Militarizing Law Enforcement Act?

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Puerto Rico: Puerto Rico is devastated and will require a much larger scale short term relief and a comprehensive long term relief package. PR's current debt burden is unsustainable and exacerbated by the terms of its current debt repayment plan. We were glad to see the senator include so many specific short term relief items such as generators, utility employees, and DOE personnel in the request sent out last Thursday however the capacity (10kw) of the requested generators would only be enough to power a household and public facilities like clinics and schools require much more capacity.

Questions:

- Can the Senator increase the number of temporary generators to at least 2000 (rather than 200) and also amend request include much larger generators for larger public facilities?
- Will the Senator commit to pushing for additional hurricane relief funds and and waiver of Jones Act for Puerto Rico?
- Will the Senator demand the following for Puerto Rico's long term relief:
 - Un-block-granting of Medicaid funding for Puerto Rico
 - Debt forgiveness for their public utility company, PREPA
 - Restructuring the bond debt

Immigration: We ask Sen. Feinstein to push to attach a clean DREAM Act to all must pass legislation going forward. This can't wait. We have to give DACA youth security now.

Questions:

- Could something be added to the bill to keep Dreamers from having their status unjustifiably revoked?
- Does Sen. Feinstein plan to update her legislation undoing the previous Muslim ban to apply to the current one?

Budget Resolution: In SEC. 4111⁴ of the Senate Budget Resolution for FY 2018 we see instructions to repeal requirements for CBO score 28 hours ahead⁵ of a vote on legislation:

- 12 **SEC. 4111. REPEAL OF CERTAIN LIMITATIONS.**
- 13 Sections 3205 and 3206 of S. Con. Res. 11 (114th
- 14 Congress), the concurrent resolution on the budget for fis-
- 15 cal year 2016, are repealed.

We are very concerned that this attempt to repeal CBO score requirement not only violates the budget laws going back to 1974 that established the CBO but that it will pave the way for dangerous legislation without regard for costs or impacts. Imagine the ACA repeal saga if there was no requirement for CBO score of each version of

³ <https://www.congress.gov/bill/115th-congress/house-bill/2825>

⁴ <https://www.budget.senate.gov/imo/media/doc/FY2018.FINAL%20TEXT%20OF%20MARK.pdf>

⁵ <https://www.congress.gov/114/bills/sconres11/BILLS-114sconres11enr.pdf>

Trump(Don't)Care. The GOP wants to be able to pass their disastrous tax bill without waiting for cost estimates. This is incredibly dangerous.

Question: Will the senator help raise awareness of this dangerous instruction in the budget resolution and work with members of Senate Budget Committee to strike the repeal?

Town Halls: Senator Feinstein did not keep her promise to hold a town hall this summer. She also failed to hold one during her September state work period. We respectfully request one in October.

Thank You,
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