

Tea Party Patriots Action Weekly Report from Washington for 1/28/19

CALENDAR:

The House will return Monday and stay in session through Wednesday. The Senate will return Monday and stay in session through Thursday.

LAST WEEK ON THE HOUSE FLOOR:

The House came back on Tuesday, and passed two bills under Suspension of the Rules.

On Wednesday, the House passed H.R. 648, the Consolidated Appropriations Act of 2019.

On Thursday, the House passed H.J.Res. 31, the Department of Homeland Security appropriations bill.

On Friday, by voice vote, the House passed H.J.Res. 28, a three-week Continuing Resolution that would reopen the government through February 15. The House also adopted H.J.Res. 31, which sends the Department of Homeland Security appropriations bill to conference with the Senate.

THIS WEEK ON THE HOUSE FLOOR:

The House will return Monday, with the first vote set for 6:30 PM. At that time, the House is scheduled to take up three bills under Suspension of the Rules. On Tuesday, the House is slated to take up another seven bills under Suspension of the Rules.

On Wednesday, the House is expected to take up H.R. 790, the Federal Civilian Workforce Pay Raise Fairness Act of 2019, which provides a 2.6 percent pay increase for certain civilian employees of the federal government.

LAST WEEK ON THE SENATE FLOOR:

On Thursday, the Senate voted on two bills that would have reopened the federal government.

First up was a vote on a cloture motion on a Shelby amendment to H.R. 268, a supplemental appropriations bill. The Shelby amendment was the President's plan as outlined last weekend, and would have included funding for a border wall. The cloture motion failed by a vote of 50-47, with Republicans Tom Cotton of AR and Mike Lee of UT voting against it.

Then the Senate voted on a cloture motion on a Schumer amendment to the same bill. That amendment did not include funding for a border wall. The cloture motion failed by a vote of 52-44, but six Republican Senators – Alexander, Collins, Gardner, Isakson, Murkowski, and Romney – crossed party lines to vote with the Democrats to reopen government without wall funding.

On Friday, the Senate adopted by voice vote H.J.Res. 28, a three-week Continuing Resolution that would reopen the government through February 15. In the same action, the Senate also adopted H.J. Res. 31, which sends the Department of Homeland Security appropriations bill to conference with the House.

THIS WEEK ON THE SENATE FLOOR:

The Senate will come back Monday, with the first vote set for 5:30 PM. That will be a cloture vote on the Motion to Proceed to S. 1, the Strengthening America's Security in the Middle East Act.

RUSSIA HOAX:

On Friday morning, longtime GOP operative and Trump adviser Roger Stone was arrested at his home and charged with seven felony counts related to the ongoing Russia collusion investigation – five counts of lying to Congress, and two counts related to messing with witnesses.

SHUTDOWN:

Let history record that on Friday, January 25, Day 35 of the longest shutdown in the history of the republic, the partial shutdown ended with a whimper, not a bang.

Faced with a growing revolt among Senate Republicans – no fewer than six of whom had abandoned him to vote for a Democrat-sponsored measure to reopen the government without any wall funding – President Trump announced on Friday afternoon in the White House Rose Garden that he would yield, and would sign legislation to reopen the government for three weeks. The deal he agreed to contained not one penny of wall funding, but did commit leaders of both parties to select lawmakers to serve on a conference committee that would spend the next three weeks negotiating over a DHS spending bill that would focus on border security. And the president retained for himself – and reminded everyone that he retained for himself – the right to declare a national emergency under the National Emergencies Act of 1976, which, he contends, would allow him to bypass the Congress and direct the Pentagon to construct the physical barrier along the border to which is he committed.

Much of the mainstream media coverage over the weekend suggests the final straw for the President was the news Friday morning that airports along the eastern seaboard – especially including LaGuardia Airport in New York – were put in ground stop mode because too many air traffic controllers had called in sick. But according to other reports, the decision had been reached the evening before, in a conversation between Trump and Senate Majority Leader McConnell, after the Senate had voted down two bills meant to reopen the government. To the apparently great surprise of Trump son-in-law Jared Kushner, who had taken the lead for the Trump Administration in Capitol Hill negotiations, only one Democrat Senator – Joe Manchin of West Virginia – crossed over and voted with Republicans on the White House-backed proposal. When Trump saw that, despite Kushner's assertions to the contrary, only one Democrat was voting with him, he concluded the game was up, and decided to end it as quickly as he could.

So, what can we take from this exercise? Well, the Democrats are now on the spot. For the last five weeks, they have insisted that they wanted border security just as much as did the President, but they would not negotiate over it until the government was reopened. The government has now reopened, and that excuse has been removed. They will now be on the spot to demonstrate that they actually do care about border security.

On the other hand, keep in mind there's plenty the Democrats can do to show they're committed to border security without funding construction of a wall. They can appropriate funds for drones, or other surveillance technology, or more border patrol agents, or more immigration court judges, or more beds for detainment facilities. They're Democrats, so it's not the money that bothers them – heck, they can offer to appropriate twice as much as the President wants, without blinking an eye. And we could end up in three weeks right where we are today – with no agreement for wall funding.

At the point, the President strongly hinted, he would declare a national emergency. Which kind of leaves you wondering – if that's where we're likely going to end up three weeks from now, why not just save the time and declare the national emergency next week?

Back to the negotiations. Conferees have been appointed in both House and Senate – ten conferees from the House, and seven conferees from the Senate. From the House, the conferees are Democrats Nita Lowey, Lucille Roybal-Allard, Barbara Lee, Pete Aguilar, David Price, and Henry Cuellar, and Republicans Kay Granger, Chuck Fleischmann, Tom Graves, and Steven Palazzo. From the Senate, the conferees are Republicans Richard Shelby, Shelley Moore Capito, John Hoeven, and Roy Blunt, and Democrats Patrick Leahy, Dick Durbin, and Jon Tester.

Congressional Democrats are on the record now saying two things – first, that they would be happy to negotiate over border security once the government is reopened, and, second, that they support physical barriers. For those of you who might be engaged in political communications over the next few weeks and want some background, here are some good quotes, courtesy of Senate Majority Leader McConnell's office:

'Democrats Are Happy To Discuss Border Security Under Regular Order With The Government Open'

HOUSE SPEAKER NANCY PELOSI (D-CA): "Right now, there is a path: Open up government. Let's have this discussion on where we can agree on the best ways to protect our borders, to secure our borders ..." ([Speaker Pelosi, Press Conference, 1/10/2019](#))

- **SPEAKER PELOSI:** "Democrats were hopeful that the President was finally willing to re-open government and proceed with a much-needed discussion to protect the border." ([Speaker Pelosi, Press Release, 1/19/2019](#))

HOUSE MAJORITY WHIP JIM CLYBURN (D-SC): "We ought to open the government up.... Get people back to work. And then let's sit around the table and see where the common ground is." ("Fox News Sunday," 1/20/2019)

SEN. CHUCK SCHUMER (D-NY): "Democrats are happy to discuss border security under regular order with the government open. We support stronger border security.... [T]here is no reason we can't negotiate and figure it out." ([Sen. Schumer, Congressional Record, S. 543, 1/24/2019](#))

SEN. BEN CARDIN (D-MD): "Let's open government, let's have 3 weeks, and let's all be committed to deal with border security in the manner in which this institution in the past has been able to deal with tough issues." ([Sen. Cardin, Congressional Record, S. 567, 1/24/2019](#))

SEN. TIM KAINE (D-VA): "I will state complete willingness to negotiate with this President and my colleagues over border security." ([Sen. Kaine, Congressional Record, S. 547, 1/24/2019](#))

SEN. MARK WARNER (D-VA): "Let's consider the President's proposal.... This Senator will commit to good-faith negotiations. This Senator will commit to supporting increased border security beyond what we just voted on in the so-called Democratic proposal." ([Sen. Warner, Congressional Record, S. 561, 1/24/2019](#))

SEN. CHRIS COONS (D-DE): "[W]e are intent on making a good-faith effort to reopen the government for 3 weeks, to promptly support good-faith negotiations, to address the President's priorities, to

discuss what effective, modern investment in border security ..." ([Sen. Coons, Congressional Record, S. 561, 1/24/2019](#))

SEN. KYRSTEN SINEMA (D-AZ): "Recently, the President asked the Congress to consider appropriations for border security. I stand in support of working together across the aisle with my colleagues in the Senate to answer that request. Arizona needs enhanced funding for border security ..." ([Sen. Sinema, Congressional Record, S. 561, 1/24/2019](#))

SEN. ANGUS KING (I-ME): "I want to be very clear. I am very supportive of border security and of increasing border security. There also may be cases in which there may be parts of the border at which some kind of barrier makes sense and is cost-effective ... Take the problem of the shutdown away. Then we can have a discussion and a debate and find a solution through a process ..." ([Sen. King, Congressional Record, S. 563, 1/24/2019](#))

SEN. MAGGIE HASSAN (D-NH): "I join with my colleagues in being here this afternoon to simply say that we need to open the government and that I am committed, as all of us are, to negotiate in good faith going forward to find a solution on border security." ([Sen. Hassan, Congressional Record, S. 566, 1/24/2019](#))

Congressional Democrats: 'Physical Barriers Are Part Of The Solution,' 'Certainly, You Need Barriers'

SEN. DICK DURBIN (D-IL): "Yes, will we end up with more fences and barriers at the end of the day? We've done it for two straight years. We're likely to do it again." (CNN's "Newsroom," 1/17/2019)

SEN. JOE MANCHIN (D-WV): "I voted to fund President Trump's wall. Check the vote." ("[Manchin Touts Support For Trump Border Wall In New Ad, The Hill, 6/14/2018](#)")

SEN. MARK WARNER (D-VA): "I know we're going to have to add additional border security.... We've got about 700 miles of existing fencing. Where folks say we need additional barrier protections, I'm all for it." (Fox News' "Your World w/ Neil Cavuto," 1/23/2019)

SEN. ANGUS KING (I-ME): "Everybody is for border security. The question is, let's do it in a rational, economic, sensible way. There are places where wall makes sense ..." ([CNN's "New Day," 1/07/2019](#))

SEN. CHRIS COONS (D-DE): "I personally don't think that a border wall is in and of itself immoral." ("Fox News Sunday," 1/13/2019)

SEN. TOM CARPER (D-DE): "I am a huge advocate of border security. I think fencing makes sense in a lot of places. We have hundreds of miles of fencing, and in a lot of places, fences alongside roads make sense." ([Sen. Carper, Congressional Record, S. 194, 1/15/2019](#))

SEN. BEN CARDIN (D-MD): "Certainly, you need barriers. And we support barriers." (CNN's "The Situation Room with Wolf Blitzer," 1/04/2019)

SEN. JEFF MERKLEY (D-OR): "Some fencing is useful. Some barriers are useful." (CNN's "New Day," 1/07/2019)

FOX NEWS' NEIL CAVUTO: "Would you yourself be open for wall funding?"

HOUSE MAJORITY LEADER STENY HOYER (D-MD): "Look, I think physical barriers are part of the solution."

CAVUTO: "You don't share Nancy Pelosi's view that a wall is immoral?"

REP. HOYER: "Look, I think it depends upon what a wall is used for whether it's moral or immoral. If it's protecting people, it's moral, if it's imprisoning people, it may well be immoral. But that's not the issue. The issue is we want border security. We want to make sure that people who come into the United States of America are authorized to do so and we know that they've come in. We don't want contraband. We don't want drugs coming in. We don't want dangerous people coming into the country. So we're for border security and I think we can get there.

(Fox News' "Your World w/ Neil Cavuto," 1/22/2019)

REP. COLLIN PETERSON (D-MN), House Agriculture Committee Chairman: "Give Trump the money... I'd give him the whole thing...and put strings on it so you make sure he puts the wall where it needs to be. Why are we fighting over this? We're going to build that wall anyway, at some time." (["Peterson Says Democrats Should 'Give Trump The Money' For Border Wall," KFGO, 1/22/2019](#))

REP. ADAM SMITH (D-WA), House Armed Services Committee Chairman: "The wall is not in itself a bad idea, it's just – it's been done." ([ABC News, 1/06/2019](#))

REP. CHERI BUSTOS (D-IL), DCCC Chair: "If we have a partial wall, if we have fencing, if we have technology used to keep our borders safe, all of that is fine ..." (["DCCC Chair Signals Support For 'Partial Wall' Funding: 'There's Got To Be Some Give And Take,'" The Washington Times, 1/04/2019](#))

REP. ANTHONY BRINDISI (D-NY): "Some element of a physical barrier, better technology, more border agents are all things I support." (["CNY Reps. Katko and Brindisi Share Common Goals: End the Shutdown, Strengthen Southern Border," WAER, 1/11/2019](#))

REP. ELISSA SLOTKIN (D-MI): "[A]m I willing to talk about more fencing and more drones and technology and radar and border agents? Absolutely." ([The New York Times, 1/19/2019](#))

FOX NEWS' KRISTIN FISHER: "You were saying that you would support some funding for some kind of physical barrier at the border, is that right?"

REP. KATIE HILL (D-CA): "Yeah.... We know that there's already fencing and other physical barriers across the border in many different places, but there are gaps, and we need to find ways of filling those gaps, repairing the fencing.... For many of us there's not really doubt that some kind of physical barrier is necessary." ([Fox News, 1/12/2019](#))

"Rep. Bill Foster (D-Ill.) stood up in the closed-door meeting Wednesday to urge fellow Democrats to consider trading some amount of wall funding for legal protections for the thousands of immigrants brought the country as children ..." (["Freshman Dems Feeling The Heat As Shutdown Drags On," Politico, 1/09/2019](#))

"'I'm not going to rule anything out, I really am not,' [Rep. Colin] Allred [D-TX] responded when asked if he would support some border wall funding in exchange for Democratic immigration priorities." (["Freshman Dems Feeling The Heat As Shutdown Drags On," Politico, 1/09/2019](#))

REP. JOHN GARAMENDI (D-CA): "And there are numerous things that need to be done to enhance border security. Certainly, fences and walls are a piece of it ..." (CNN, 12/13/2018)

REP. ABIGAIL SPANBERGER (D-VA): “If I am getting comments and contact from my constituents expressing concern that the Democrats are not prioritizing security, then I think we can do better.” ([“Freshman Dems Feeling The Heat As Shutdown Drags On,” Politico, 1/09/2019](#))

TAXES:

I don’t normally take up our time with discussion of far-reaching leftist fantasy legislation that’s going nowhere, but this week we’re going to spend just a few moments talking about Sen. Elizabeth Warren’s latest left-wing fantasy proposal – a scheme to tax wealth in America.

Under Warren’s proposal – which, she says, would apply only to the richest 0.1 percent of Americans – households with a net worth of \$50 million or more would pay a 2 percent annual tax on the household net worth between \$50 million and \$1 billion, and households with a net worth of at least \$1 billion would pay an additional 1 percent annual Billionaire Surtax (that is, 3 percent overall) on household net worth above \$1 billion.

She suggests that people she refers to as “leading economists” – in other words, the professors who baked up this scheme – indicate that such a tax could generate \$2.75 trillion in tax revenue over a ten-year period.

Except that ... it would be unconstitutional, because it’s not a tax on income, it’s a tax on wealth, and the Constitution doesn’t allow for that. And she knows that – in the press release she put out announcing the proposal, she includes links to two letters written by various law professors at substantial universities who argue otherwise.

You’ll find two pieces in the Suggested Reading this week, and I suggest you read them.

SUGGESTED READING:

JENNY BETH MARTIN/TEA PARTY PATRIOTS:

[WaPo: White House Seeks List of Programs That Would Be Hurt if Shutdown Lasts into March](#)

[NBC: What the State of the Union Reveals about the Trump-Pelosi Power Struggle](#)

[Coalition Urges President Trump to Index Capital Gains Taxes to Inflation](#)

[Hill: The Memo: Trump Concedes Defeat on Shutdown](#)

[WE: Conservatives Divided on Trump's Shutdown End Announcement](#)

[WT: Trump's Base Holds Firm Despite Shutdown Setback: 'I Haven't Lost Any Confidence in Him'](#)

[FOX: Trump Compromises over Shutdown but Democrats Still Refuse To Negotiate on Border Wall](#)

COURTS:

[Politico: Senate GOP Could Change Rules To Speed Up Trump's Nominees Confirmations](#)

IMMIGRATION:

[NBC News: DHS Plans To Begin Turning Asylum Seekers Back To Mexico To Await Court](#)

RUSSIA HOAX:

[Hill: Graham Angers Dems By Digging Into Clinton Obama Controversies](#)

[Fox News: Former Top FBI Lawyer Personally Involved In FISA Warrant For Trump Aide, Other Russia Probe Irregularities, Transcript Shows](#)

[Politico: Former Trump Lawyer Michael Cohen Delays House Testimony](#)
[WSJ: What If The FBI Had Probed Obama?](#)

[Fox News: Gregg Jarrett: Testimony In Russia Probe Shows FBI And Justice Department Misconduct In Effort To Hurt Trump](#)

[CNBC: US Special Counsel's Office: Trump Ally Roger Stone Arrested In Florida](#)

[CNN: Mueller Indicts Roger Stone, Says He Was Coordinating With Trump Officials About WikiLeaks' Stolen Emails](#)

[Politico: Roger Stone Arrested Following Mueller Indictment](#)

[NRO: McCarthy: Stone Indictment Underscores That There Was No Trump-Russia Conspiracy](#)

[Hill: Dershowitz: Stone Indictment Follows Concerning Mueller Pattern](#)

SHUTDOWN:

[Politico: Congress Agitates To End Relentless Shutdown](#)

[WaPo: Senate Plans Votes On Competing Bills To Reopen Government](#)

[Hill: Pelosi Tells Trump No SOTU On Tuesday](#)

[Hill: Trump To Do SOTU When Shutdown Is Over](#)

[Hill: McConnell Blocks Bill To Reopen Most Of Government](#)

[Politico: Senate Set To Reject Government Funding Plan It Once Embraced](#)

[Politico: Senate Dems Push New Border Security Plan As Shutdown Staggers On](#)

[WaPo: Master Negotiator Or Nonentity Kushner Thrusts Himself Into Middle Of Shutdown](#)

[Politico: Trump's Border Wall Obsession Frustrates Conservative Activists](#)

[Hill: Senate Blocks White House Backed Bill To End Shutdown](#)

[Hill: Senate Rejects Two Measures To End Shutdown](#)

[Hill: GOP Senators Read Pence The Riot Act Before Shutdown Votes](#)

[CNN: Exclusive: White House Preparing Draft Emergency Executive Order, Has Identified \\$7B For Wall](#)

[WaPo: This Is Your Fault GOP Senators Clash Over Shutdown Inside Private Luncheon](#)

[Townhall: House Democrats Defeat Second \(Update-Third\) Bipartisan Effort To Pay Federal Workers During The Shutdown](#)

[Politico: White House Grows Eager To Avoid Losing Shutdown Fight](#)

[Conservative Review: Even Congress Research Arm Vouches For Trump's Border Funding Authority](#)

[WaPo: Post-ABC Poll: Trump Disapproval Swells as President, Republicans Face Lopsided Blame for Shutdown](#)

[Hill: Senate Expected To Pass Bill To End Shutdown on Friday](#)

[Hill: Shutdown Ends Without Funding for Trump's Border Wall](#)

[AP: Longest Shutdown Over: Trump Signs Bill To Reopen Government](#)

[Breitbart: Klukowski: President Trump Has Legal Authority To Declare Border Emergency To Build the Wall](#)

[Hill: White House: Trump Will Move Forward on Wall 'With or Without' Dems](#)

[WaPo: 'Prisoner of His Own Impulse': Inside Trump's Reversal To End Shutdown Without Wall](#)

[Politico: 'Complete, Total Surrender': Why Trump Waved the White Flag](#)

[Politico: 'All for Nothing': Trump's Wall Retreat Bewilders Allies](#)

[CRS: Military Construction Funding in the Event of a National Emergency](#)

[CRS: Barriers Along the US Borders: Key Authorities and Requirements](#)

[HSDL: Can the Department of Defense Build the Border Wall?](#)

[Hill: Bovard: How Trump Can Build the Wall Today -- and Make Mexico Pay for It](#)

[WaPo: Trump Will Secure Border 'With or Without Congress,' Mulvaney Says](#)

TAXES:

[Hill: Warren Stakes Out 2020 Ground with Wealth-Tax Proposal](#)

[NRO: The Kulaks Must Be Eliminated as a Class](#)

[WSJ: Elizabeth Warren's Unconstitutional Wealth Tax](#)

MISCELLANEOUS:

[Fox News: John Lott: BuzzFeed And Me: The Incredible Thing The Sites Publisher Did Using My Name Without Permission](#)

[Politico: Mark Meadows - Trump Whisperer](#)

[WE: New Poll Exposes How Weak Support For Medicare For All Really Is](#)

[Politico: Schiff, Waters Plan Joint Deutsche Bank Investigation](#)