

Tea Party Patriots Action Weekly Report from Washington for 3/4/19

CALENDAR:

The House returns Tuesday, and will stay in session through Friday. The Senate returns Monday, and will stay in session through Thursday.

LAST WEEK ON THE HOUSE FLOOR:

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

On Tuesday, the House took up and passed H.J.Res. 46, a joint resolution terminating the national emergency declared by President Trump. The vote was 245-182, with 13 Republicans crossing party lines to vote with the Democrats against President Trump's declaration of a national emergency. Those 13 Republicans were: Justin Amash, Brian Fitzpatrick, Mike Gallagher, Jaime Herrera Beutler, Will Hurd, Dusty Johnson, Thomas Massie, Cathy McMorris Rodgers, Frank Rooney, Jim Sensenbrenner, Elise Stefanik, Fred Upton, and Greg Walden.

Later Tuesday, the House suspended the rules and passed S. 47, the Lands Package that had passed the Senate the week before.

On Wednesday, the House took up H.R. 8, the Bipartisan Background Checks Act. This bill would extend background checks to private transactions, including those at gun shows and over the Internet. Currently, only federally licensed firearms dealers are required to conduct background checks on potential purchasers under federal law. After dealing with two amendments, the House wrapped up its work and prepared to vote on final passage, and that's when things went crazy for House Democrats for a few moments. We'll talk more about this in a moment, because it's important. Eventually, things settled down and the vote on final passage was called, and the bill passed by a vote of 240-190, with eight Republicans crossing over to vote with the Democrats, while two Democrats voted against it.

On Thursday, the House took up H.R. 1112, the Enhanced Background Checks Act. This bill would extend from three days to ten days the necessary waiting period for a response from the background check system before the sale can go through. After dealing with a few amendments, the bill passed by a vote of 228-198, with only three Republicans crossing over, while seven Democrats voted against it.

And then they were done.

THIS WEEK ON THE HOUSE FLOOR:

The House will return Tuesday, with the first vote set for 6:30 PM. At that time, the House is slated to consider seven bills under Suspension of the Rules.

On Wednesday, the House will take up H.R. 1, what Democrats are calling the "For the People Act." We'll talk more about this bill in a moment.

LAST WEEK ON THE SENATE FLOOR:

The Senate returned to work on Monday, and took up S. 311, the Born-Alive Abortion Survivors Protection Act, a bill to prohibit a health care practitioner from failing to exercise the proper degree of care of a child who survives an abortion or an attempted abortion. Sen. Ben Sasse of Nebraska

introduced this bill after he heard about recent state legislative maneuvers by Democrats in New York and Virginia to liberalize their states' laws on late-term abortions.

The cloture motion failed, by a vote of 53-44. Bob Casey, Jr., Doug Jones, and Joe Manchin were the three Democrats who voted for cloture; Kevin Cramer, Lisa Murkowski, and Tim Scott were the three Republicans who failed to vote.

So Senate Democrats – all but Casey, Jones, and Manchin – are now on record voting against protecting born alive survivors of abortions and attempted abortions. We're not talking late term abortions here. We're talking about babies that have been delivered alive, babies that are outside the womb, babies that are breathing and have blood flowing, and the need to make clear in federal law that health care practitioners are obligated to render medical service to born alive survivors of abortions and attempted abortions. And the overwhelming majority of Senate Democrats – 44 out of 47 – voted to kill that legislation.

The Senate then moved to invoke cloture on the nomination of Eric D. Miller to be a U.S. Circuit Judge for the Ninth Circuit Court of Appeals.

On Tuesday, the Senate voted to confirm Eric D. Miller to that position on the Ninth Circuit.

Later Tuesday, the Senate voted to invoke cloture on the nomination of Michael J. Desmond to be Chief Counsel for the Internal Revenue Service and Assistant General Counsel at the Department of the Treasury.

On Wednesday, the Senate voted to confirm Michael J. Desmond to his new positions at the IRS and the Department of the Treasury.

Later Wednesday, the Senate voted to invoke cloture on the nomination of Andrew Wheeler to be Administrator of the Environmental Protection Agency. And on Thursday, the Senate voted to confirm Wheeler to his new job as head of the EPA.

Also on Thursday, by voice vote, the Senate confirmed John L. Ryder to be a Member of the Board of Directors of the Tennessee Valley Authority.

And then they were done.

THIS WEEK ON THE SENATE FLOOR:

The Senate will come back in on Monday, and will resume consideration of Allison Jones Rushing to be a U.S. Circuit Judge for the Fourth Circuit Court of Appeals.

Majority Leader McConnell filed cloture on several nominations last Thursday, so I anticipate that after the Senate is done with the Rushing nomination, they will move to consider Chad A. Readler to be a U.S. Circuit Judge for the Sixth Circuit; Eric E. Murphy to be a U.S. Circuit Judge for the Sixth Circuit; and John Fleming to be Assistant Secretary of Commerce for Economic Development.

FREE SPEECH:

House Democrats have introduced H.R. 1, the so-called "For the People Act." It is a 570-page hodgepodge of election- and campaign finance-related measures that, taken together, would have the effect of stifling free speech and virtually guaranteeing the election of liberals and Democrats at all

levels of government. After reading it, it's clear it should be called the "For the Politicians Act." And it's coming to the floor of the House this week.

The House Rules committee has set a hearing for Tuesday at which it will determine which of the 148 amendments, if any, will be made in order to be considered during floor consideration of the bill on Wednesday, Thursday, and Friday.

Now, we know we're going to lose on the House floor, because the Democrats have the majority in the House. On the other hand, we also know this bill will never see the light of day in the Senate, because Republicans are in the majority there, and Mitch McConnell is the Majority Leader, and there's no way this bill would ever see the light of day in the Senate as long as Mitch McConnell is Majority Leader and he is drawing breath, right? Right.

So what's the concern? The concern is that the left never, ever, ever gives up on this stuff, and just because we don't have to be worried about this bill becoming law in the 116th Congress, that doesn't mean we don't have to worry about what might happen in the 117th Congress, after the 2020 election might change the political dynamics in Washington. Or the 118th Congress, or the 119th, for that matter.

Remember McCain-Feingold, which became law in 2002? The Democrats introduced the original version of that law ten years earlier. And the liberals worked that bill hard for five Congresses before they finally got to enact it into law. And remember this – when McCain-Feingold became law, it was done under a Republican-controlled House, and a Republican-controlled Senate, with a Republican in the White House.

So we need to put up a fight on H.R. 1.

I'm going to give you just a taste of what's in this bill. And I'll direct you now to the Suggested Reading, which contains links to excellent resources from our friends at the Institute for Free Speech – two separate analyses of the legislation, and then a really cool piece where they taken current law and then added in redline edits to show what the law would look like if H.R. 1 were to become law.

From our friends at the Institute for Free Speech:

Specifically, H.R. 1 would:

- **Unconstitutionally regulate speech that mentions a federal candidate or elected official at any time under a severely vague, subjective, and broad standard that asks whether the speech "promotes," "attacks," "opposes," or "supports" ("PASO") the candidate or official.**
- **Force groups to file burdensome and likely duplicative reports with the Federal Election Commission ("FEC") if they sponsor ads that are deemed to PASO the president or members of Congress in an attempt to persuade those officials on policy issues.**
- **Compel groups to declare on these so-called "campaign-related disbursement" reports that their ads are either "in support of or in opposition" to the elected official mentioned, even if their ads do neither. This form of compulsory speech and forcing organizations to declare their allegiance to or against public officials is unconscionable and unconstitutional.**
- **Force groups to publicly identify certain donors on these reports for issue ads and on the face of the ads themselves. Faced with the prospect of being inaccurately associated with what, by law, would be considered (unjustifiably, in many or most**

instances) “campaign” ads in FEC reports and disclaimers, many donors will choose simply not to give to nonprofit groups.

- Subject far more issue ads to burdensome disclaimer requirements, which will coerce groups into truncating their substantive message and make some advertising, especially online, practically impossible.
- Focus public attention on the individuals and donors associated with the sponsoring organizations rather than on the communications’ substantive message, thereby exacerbating the politics of personal destruction and further coarsening political discourse.
- Force organizations that make grants to file their own reports and publicly identify their own donors if an organization is deemed to have “reason to know” that a donee entity has made or will make “campaign-related disbursements.” This vague and subjective standard will greatly increase the legal costs of vetting grants and many groups will simply end grant programs.
- Likely eliminate the ability of many employees to make voluntary contributions through employee-funded PACs, which give employees a voice in the political process with respect to issues that affect their livelihoods.
- Effectively prohibit many domestic subsidiaries, and perhaps most corporations with even a single foreign shareholder with voting shares, from making independent expenditures, contributions to super PACs, or contributions to candidates for state and local office, thus usurping the laws in more than half of the states that allow such contributions.

This appears to be a thinly veiled artifice to overturn *Citizens United* and to unconstitutionally accomplish by legislation what congressional Democrats failed to achieve by constitutional amendment in 2014.

- Disproportionately burden the political speech rights of corporations, thereby ending the long-standing parity in the campaign finance law between corporations and unions.
- Increase regulation of the online speech of American citizens while purporting to address the threat of Russian propaganda.
- Expand the universe of regulated online political speech (by Americans) beyond paid advertising to include, apparently, communications on groups’ or individuals’ own websites and e-mail messages.
- Regulate speech (by Americans) about legislative issues by expanding the definition of “electioneering communications” – historically limited to large-scale TV and radio campaigns targeted to the electorate in a campaign for office – to include online advertising, even if the ads are not targeted in any way at a relevant electorate.
- Impose what is effectively a new public reporting requirement on (American) sponsors of online issue ads by expanding the “public file” requirement for broadcast, cable, and satellite media ads to many online platforms. The public file requirements would compel some of the nation’s leading news sources to publish information, which is likely unconstitutional.

Both advertisers and online platforms would be liable for providing and maintaining the information required to be kept in these files, which would increase the costs of online advertising, especially for low-cost grassroots movements. Some of these online outlets may decide to discontinue accepting such ads due to the expense of complying with the requirements. The “public file” also may subject (American) organizers of contentious but important political causes like “Black Lives Matter” and the Tea Party to harassment by opponents or hostile government officials monitoring the content, distribution, and sponsorship of their activities.

- **Make broadcast, cable, satellite, and Internet media platforms liable if they allow political advertising by prohibited speakers to slip through, thereby driving up the costs of political advertising, especially for online ads where compliance costs are relatively high.**
- **Impose inflexible disclaimer requirements on online ads that may make many forms of small, popular, and cost-effective ads off-limits for (American) political advertisers.**

And here's another thing about H.R. 1 – it includes taxpayer financing of campaigns for federal office, also known as welfare for politicians. As if the \$1.6 billion raised by liberal candidates through ActBlue in the 2018 elections wasn't enough, liberals now want to have taxpayers pay for their campaigns – with a six-to-one match, up to \$1,200 per donor. Under their proposal, for every donation up to \$200, the candidate gets a six-to-one federal taxpayer match – so a \$200 contribution made to the candidate becomes effectively a \$1,400 contribution to the candidate, with \$1,200 of that \$1,400 paid for by us taxpayers, whether we like or support that particular candidate or not.

Thomas Jefferson, author of our Declaration of Independence, once wrote that “To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.” He was right when he was talking about ideas, and that translates to candidates and their campaigns.

We need to work hard to defeat H.R. 1.

HOUSE DEM CHAOS:

As we've discussed before, the differences between the House and the Senate are stark. The House is a majority rule body – on any given day, 218 House Members can pretty much do anything they want to do. The power of the minority is truly limited. And one man acting alone can accomplish virtually nothing.

Nevertheless, the minority in the House does have some powers and traditions. And one tradition of the minority is the “motion to recommit.” The motion to recommit typically arrives in the legislative process after all the amendments have been considered, and is typically the last vote taken before the vote on final passage. It is, technically, a motion to recommit the bill under consideration back to the committee of jurisdiction, so that committee can rewrite the bill after having received the House majority's instructions. It almost always fails, because the House majority is ready to move ahead and vote on final passage, rather than send the bill back to the committee of jurisdiction.

On Wednesday of last week, as the House was considering H.R. 8, the Bipartisan Background Check Act, it came time for the minority to offer its motion to recommit. But this time, the GOP came up with a clever motion – it read, and I quote, that the motion “moves to recommit the bill H.R. 8 to the Committee on the Judiciary with instructions to report to the same to the House forthwith with the following amendment: Page 5, after line 4, insert the following: ‘(e) Regulations promulgated under this paragraph shall include, in the case of a background check conducted by the national instant criminal background check system in response to a contact from a licensed importer, licensed manufacturer, or licensed dealer, which background check indicates that the receipt of a firearm by a person violate subsection (g)(5), a requirement that the system notify U.S. Immigration and Custom Enforcement.’”

Well, that just sounds like so much gobbledygook, doesn't it? If you didn't know what subsection (g)(5) was, you'd have no way of knowing what this motion did, would you?

That was the problem faced by many on the House floor, including, in particular, many of the scores of freshman Democrats. Well, it turns out that this measure simply meant that if, during the course of a background check, it was revealed that the individual attempting to purchase the firearm was an illegal immigrant, that information would have to be automatically turned over to U.S. Immigration and Customs Enforcement.

No fewer than 26 House Democrats – many of whom were freshmen, sitting in districts that voted for President Trump in 2016 – voted for the minority’s motion to recommit. So many Democrats voted for the motion to recommit that the amendment passed by a vote of 220-209, and the amendment was added to the bill. So when the vote on final passage came, they were voting on a bill that included language saying that if an illegal immigrant were determined to be attempting to purchase a firearm, that information would automatically be sent to ICE.

Needless to say, this led to no end of anger in the Democrat cloakroom. And on Thursday, at a meeting of the House Democratic caucus, Speaker Nancy Pelosi took them to the woodshed, declaring that life in Congress “is no day on the beach.” Pelosi’s new best friend Alexandria Ocasio-Cortez went several steps further, subtly threatening her fellow freshmen Democrats, warning them of a “list” and implying that Democrats who voted for GOP measures would be subject to primary challenges.

Stay tuned.

KUSHNER CLEARANCES:

On Thursday, The New York Times reported that, contrary to assertions last year, President Trump personally ordered then White House Chief of Staff John Kelly to provide appropriate security clearances for his daughter Ivanka and son-in-law Jared Kushner.

The president has the authority to grant a security clearance to anyone he wants. In this case, according to the account in the Times, he did so to override objections from the chief of staff and the White House Counsel, along with the national security professionals who typically decide such matters.

So House Democrats will add this to the list of items they intend to investigate.

NATIONAL DEBT:

On Saturday, an extension of the national debt limit ran out, so the Treasury Department is now employing a series of accounting gimmicks it refers to as “extraordinary measures” to keep the U.S. government’s nearly \$22 trillion debt below the legal limit and ensure that there is no failure to pay creditors.

The Treasury Department believes it can employ such “extraordinary measures” until August or September before Congress must act.

STATE OF EMERGENCY:

As discussed earlier, the House passed its resolution of disapproval on the president’s declaration of a national emergency. On Sunday, Sen. Rand Paul announced that he would join fellow Republicans Susan Collins, Lisa Murkowski, and Thom Tillis in voting for the resolution of disapproval, thereby ensuring its passage in the Senate when it comes to the floor, which will likely happen next week.

President Trump has vowed to veto any such resolution of disapproval, and it does not appear that opponents of his declaration of a state of national emergency have veto-proof majorities in either house of Congress.

SUGGESTED READING:

JENNY BETH MARTIN/TEA PARTY PATRIOTS:

[FOX News: Jenny Beth Martin: The Tea Party Is Ten Years Old. Here's What It Has Accomplished And Why Defeating Socialism Is Next On Its Agenda](#)

[FOX News: Will Chinese Firm Use Steel Company Deal To Steal Secrets, Endangering US National Security?](#)

FREE SPEECH:

[IFS: Analysis of HR 1 \(Part One\)](#)

[IFS: Analysis of HR 1 \(Part Two\)](#)

[IFS: Changes to Current Campaign Finance Laws Proposed by HR 1](#)

[CATO: Three Problems with Taxpayer Financing of Election Campaigns](#)

[IFS: Evaluating Tax-Financing Programs with Outputs, Not Inputs](#)

[IFS: H.R. 1's Tax-Financing Program Could Increase Political Polarization](#)

[IFS: H.R. 1's Tax-Financing Program Creates New Incentives for Corruption](#)

[IFS: H.R. 1 Would Undo Watergate-Era Protections Against Government Interference in Election Campaigns](#)

GREEN NEW DEAL:

[Bloomberg: Alexandra Ocasio-Cortez's Green New Deal Could Cost \\$93 Trillion, Group Says](#)

GUN CONTROL:

[Politico: Graham Rejects Gun Bill Even Before House Vote](#)

[Hill: House Slated To Vote On Most Significant Gun Control Bill In Years](#)

[USAT: What's in the Gun Control Bills that House Democrats Will Bring to a Vote This Week](#)

[Hill: House Passes Bill Expanding Background Checks On Gun Sales](#)

[USAT: Gun Control: House Passes Expanded Background Checks as GOP Tries To Shift Focus to Immigration](#)

HOUSE DEM CHAOS:

[H.R. 8 Motion to Recommit with Instructions](#)

[Politico: House Democrats Weigh Rules Change After GOP Floor Victory](#)

[Politico: 'This Not A Day At The Beach' Pelosi Tells Moderate Democrats To Stop Voting With GOP](#)

[Hill: Dems Struggle To Unify After GOP Embarrasses Them On Procedure](#)

[WT: House Dems Ponder Rules Change As Party Unity Crumbles](#)

[Hot Air: Pelosi Threatening Moderate Democrats Who Vote With GOP](#)

[WT: Alexandria Ocasio-Cortez Threatens Primary Challenges to Dems Who Vote with GOP](#)

[WaPo: House Democrats Explode in Recriminations As Liberals Lash Out at Moderates](#)

INFANTICIDE:

[Politico: Senate Defeats Anti-Abortion Bill, As GOP Tries To Jam Dems](#)

[WE: Democrats Block Bill To Stop Infanticide, Politico Smears Republicans For The Effort](#)

KUSHNER CLEARANCES:

[NYT: Trump Ordered Officials To Give Jared Kushner A Security Clearance](#)

[WaPo: Trump Sought Top Secret Security Clearance For Jared Kushner Last Year Despite Concerns Of John Kelly And Intelligence Officials](#)

[Politico: Kellyanne Conway Says Trump Has 'Absolute Right' To Order Security Clearances](#)

NATIONAL DEBT:

[Hill: New Debt Showdown Begins for Trump, Democrats](#)

NORTH KOREA:

[Politico: "Sometimes You Have To Walk": Why Trump Bailed On North Korea](#)

[Hill: Trump, Kim Summit Ends With No Agreement On Denuclearization](#)

[NRO: President Trump's No Deal With North Korea Is A Good Deal](#)

[AP News: Officials Say Trump Overstated Kim's Demand For Sanctions](#)

[Hill: GOP Senators Fuming Over Trump Comments On Warmbier](#)

SINGLE-PAYER:

[NYT: Health Care And Insurance Industries Mobilize To Kill 'Medicare For All'](#)

[Politico: House Democrats Just Released Medicare For All. Party Leaders Would Like To Change The Subject](#)

[Committee For Responsible Federal Budget: How Much Will Medicare For All Cost?](#)

[WSJ: Medicare for All Loses Momentum Among Democrats](#)

STAFFING:

[Hill: Senate Confirms Wheeler To Lead EPA](#)

STATE OF EMERGENCY:

[Politico: Trump On Brink Of Defeat On Border Emergency](#)

[Hill: House Votes To Overturn Trump's Emergency Declaration](#)

[RC: Meet The 13 Republicans Who Rebuked Trump Over His National Emergency](#)

[Politico: GOP Unloads Border Angst On Pence](#)

[AP News: House OK's Democrats Bill Blocking Trump Emergency On Wall](#)

[Politico: Republicans Pressure Trump To Back Down On Border Emergency](#)

[Hill: GOP Bristles Over Plan To Shift Military Funding To Border Wall](#)

[Hill: Congress Poised To Reject Trump Border Emergency](#)

[Hill: Rand Paul To Vote Against Trump's National Emergency Declaration](#)

VIRGINIA CHAOS:

[CNN: Justin Fairfax's Deeply Irresponsible Attempt To Play The Race Card](#)

2020 DEMOCRATS:

[NYT: Architects Of Bernie Sanders' 2016 Race Part Ways With 2020 Campaign](#)

MISCELLANEOUS:

[RCP: Congress Must Join With The President In Cutting Spending](#)

[Bloomberg: The World's Healthiest Nations](#)

[RC: Trump's 2020 Budget To Contain A Big Defense Boost, And Non-Defense Spending Cuts](#)

[Hill: GOP Mark Harris Won't Run Again In Contested North Carolina House Race](#)

[Hill: 64 Percent Say Democratic Party Supports Socialism, Says Poll](#)

[CNN: House Panel To Dems: Russia Off Limits In Cohen's Public Hearing](#)

[WSJ: The Right Hurts Its Own](#)

[Politico: Pelosi And Top Democrats Won't Bite On Impeachment Despite Cohen's Bombshells](#)