



WEEKLY REPORT FROM WASHINGTON

July 22, 2019

CALENDAR:

The Senate will return on Monday, and the House will return on Tuesday. The Senate will stay in session through Thursday, but the House is currently scheduled to stay in session through Friday. That's because the House is trying to get all its business done this week, so they can break for six full weeks, and not return until September 9.

LAST WEEK ON THE HOUSE FLOOR:

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

On Tuesday, the House took up H.Res. 489, a resolution condemning what it labeled “President Donald Trump’s racist comments that have legitimized and increased fear and hatred of new Americans and people of color by saying that our fellow Americans who are immigrants, and those who may look to the President like immigrants, should ‘go back’ to other countries, by referring to immigrants and asylum seekers as ‘invaders,’ and by saying that Members of Congress who are immigrants (or those of our colleagues who are wrongly assumed to be immigrants) do not belong in Congress or in the United States of America.”

During the course of the floor debate, Speaker Nancy Pelosi referred to the President’s comments as “racist.” The ranking member of the Judiciary Committee, Republican Doug Collins of Florida, rose and asked the Speaker if she would like to rephrase her statement. She declined the opportunity, so Collins moved to have the Speaker’s words “taken down,” a vintage phrase that means to have them struck from the official record of the floor debate for violating the rules of the House. In this case, it happens that way back in 1984, a precedent was established in the House of Representatives that it is not in order to refer to any comments by any President of the United State as “racist” on the floor of the House. She clearly violated that rule, and Collins called her on it. He gave her an opportunity to catch her own mistake and rephrase her wording so as not to violate the House rules, but she chose to decline the opportunity. The House parliamentarian then ruled that yes, she had, in fact, violated the rules of the House, and House Majority Leader Steny Hoyer – Pelosi’s number two – declared from the chair that, “The words used by the gentlewoman from California contained an

accusation of racist behavior on the part of the president. The words should not be used in debate.”

Collins then offered a motion to strike the Speaker’s words from the Congressional Record. On a straight party-line vote, the motion was defeated by a vote of 190-232. So not only did Speaker Pelosi violate the rules of the House, she then made 232 of her colleagues complicit in her violation.

Then the House voted on the resolution itself, and it passed, by a vote of 240-187, with four Republicans crossing party lines to vote for the resolution – Susan Brooks of Indiana, who’s already announced her intention to leave Congress after this session; Brian Fitzpatrick, who survived a difficult reelection campaign in 2018 and is expected to have another difficult reelection campaign next year; Will Hurd, who’s in the same position as Fitzpatrick; and Fred Upton, who’s in the same position as Fitzpatrick and Hurd.

On Wednesday, the House moved to consider a privileged resolution of impeachment offered by Texas Democrat Al Green, who offered two similar resolutions in the last Congress. The House Democratic leadership really, really does not want to vote on serious impeachment resolutions, for reasons we’ve discussed. And Pelosi did not want to vote on this resolution, either, so Democrats allowed House Minority Leader Kevin McCarthy to offer a motion to table the Green resolution to impeach. The vote to table the motion was 332-95, with 194 Republicans voting in favor and three Republicans not voting, and 137 Democrats voting in favor and 95 Democrats voting against and one Democrat voting “present” and one Democrat not voting. So 95 Democrats went on record voting to impeach President Trump.

Then the House took up the Rule to govern floor consideration of H.R. 582, the Raise the Wage Act. The Rule passed, by a vote of 231-197.

The House then considered three resolutions of disapproval, expressing the House’s disapproval of arms transfers and exports to the Kingdom of Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Spain, the Italian Republic, the Republic of France, and the United Arab Emirates. All three resolutions of disapproval passed on essentially party line votes.

Then the House considered H.Res. 487, recommending that the House find Attorney General Barr and Commerce Secretary Ross in criminal contempt of Congress for their refusal to comply with subpoenas issued by the Committee on Oversight and Reform. The resolution passed, by a vote of 230-198.

The House then considered H.R. 3494, the FY 2020 Intelligence Authorization Act. It passed overwhelmingly, by a vote of 397-31.

Then the House took up and passed H.R. 748, the Middle Class Health Benefits Tax Repeal Act, under Suspension of the Rules. It went through by a vote of 419-6.

On Thursday, the House came back to consider H.R. 582, the Raise the Wage Act. It passed, by a vote of 231-199.

And then they were done.

THIS WEEK ON THE HOUSE FLOOR:

The House will come back to work on Tuesday, with the first vote set for 6:30 PM. At that time, the House is scheduled to consider 23 bills under Suspension of the Rules.

On Wednesday, the House is scheduled to consider another 11 bills under Suspension of the Rules. They're also scheduled to consider H.R. 397, the Rehabilitation for Multiemployer Pensions Act, and H.R. 3239, the Humanitarian Standards for Individuals in Customs and Border Protection Custody Act. They may also consider H.R. 2203, the Homeland Security Improvement Act.

And, if the deal can be done in time, expect to see the House vote on a two-year budget agreement that busts the budget caps, increases spending and the deficit, and lifts the debt ceiling for two years. We'll talk more about that in a moment.

LAST WEEK ON THE SENATE FLOOR:

The Senate returned to work last Monday and resumed consideration of the nomination of Peter Joseph Phipps to be a U.S. Circuit Judge for the Third Circuit Court of Appeals. The motion to invoke cloture on the nomination passed, by a vote of 53-40.

On Tuesday, the Senate voted to confirm Phipps to that position, by a vote of 56-40. Judge Phipps becomes President Trump's 43rd Circuit Court judge.

Then the Senate moved to consideration of four tax treaties that have been lying around for years – with Spain, the United Kingdom, Japan, and Luxembourg. Over the course of Tuesday and Wednesday, the Senate debated various amendments to the treaties, and then voted to ratify all four tax treaties on Wednesday.

Following the votes to ratify the tax treaties, the Senate resumed considering nominations. On Wednesday, the Senate voted to invoke cloture on three nominations, and on Thursday, the Senate voted to confirm all three nominees – Clifton L. Corker to be U.S. District Judge for the Eastern District of Tennessee, Lynda Blanchard to be Ambassador of the United States to the Republic of Slovenia, and Donald R. Tapia to be Ambassador of the United States to Jamaica.

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 vote to invoke cloture on the nomination of Mark T. Esper to be Secretary of Defense.

Then, based on the Majority Leader's cloture filings, the rest of the week will proceed as follows:

- Stephen M. Dickson to be Administrator of the Federal Aviation Administration
- Wendy Williams Berger to be U.S. District Judge for the Eastern District of Florida
- Brian C. Buescher to be U.S. District Judge for the District of Nebraska

On Tuesday, the Senate will take three roll call votes related to H.R. 1327, the September 11th Victims Compensation Fund Act – an amendment offered by Sen. Mike Lee, and amendment offered by Sen. Rand Paul, and then passage of the bill itself.

And, if the two-year spending deal is done, expect to see a vote on the Senate floor late in the week.

BORDER SECURITY/IMMIGRATION:

On Monday, the Trump Administration announced broad changes to asylum policies, in an effort designed to slow the traffic of Central Americans who are coming across the southern border seeking refuge. Writes the Washington Post, "U.S. authorities will sharply restrict access to the nation's asylum system for anyone who did not seek protection from other countries before crossing the southern border, according to a joint statement from the Department of Homeland Security and the Justice Department. The policy shift could result in the Trump Administration deporting most asylum-seekers back to their nations of origin, largely with the hope of discouraging migrants from trying to reach the United States."

The ACLU will likely challenge the policy change in court, seeking an injunction to block its implementation.

OBAMACARE:

On Friday, U.S. District Judge Richard Leon ruled that the Trump Administration was on solid legal grounds when it issued a rule allowing for expansion of short term limited duration health insurance plans that don't meet ObamaCare's stringent coverage requirements. A group of health insurance companies operating as the Association for Community Affiliated Plans (ACAP) sued the Administration, arguing that this put them at an unfair disadvantage in the marketplace because the ObamaCare plans they offered were required to cover more services and, therefore, cost more. ACAP will appeal the judge's ruling. Stay tuned.

RUSSIA HOAX:

On Wednesday, former Special Counsel Robert Mueller will testify for three hours before the House Judiciary Committee and two hours before the House Intelligence

Committee. Each member of each committee will be given five minutes to question Mueller. The Democrats on the two committees have spent the last several weeks preparing for the testimony, and have divided up responsibilities – Judiciary Committee Democrats will spend their question time trying to draw out Mueller on five of the ten episodes in the Mueller report that involved potential obstruction of justice, while Intelligence Committee Democrats will spend their question time focusing on what Mueller has to say about the Trump campaign’s contacts with Russians.

Republicans on the two committees, too, have been preparing for his testimony.

SPENDING:

As of Monday morning, we still do not have a finalized deal.

Thursday morning, Treasury Secretary Mnuchin revealed that he and Speaker Pelosi had come to agreement on the topline numbers for a deal that would lift the debt ceiling for two years and set overall spending limits for discretionary spending for the fiscal years 2020 and 2021. Though no one is yet willing to share what those numbers were, precisely, it’s safe to assume that they override the budget caps set in the 2011 Budget Control Act, and will add about \$150 billion to spending over the next two years.

The deal has not been locked down because the Trump Administration – that is, most likely, Acting White House Chief of Staff Mick Mulvaney and Acting OMB Director Russ Vought – have not given up the fight, and have sent to the Democrats a list of options for offsets. That is, the White House is insisting that if they’re all going to get together and raise spending in one area to satisfy their demands, then they’re going to have to cut spending in other areas to offset the increases.

In addition, the White House is looking for a guarantee that Democrats will not insert “poison pill” amendments into individual spending bills, like language prohibiting the use of appropriated funds to build a border wall along the southern border, or language removing the Hyde Amendment.

It appears the White House is looking for about \$150 billion in offsets. They’ve sent the Democrats a list of cuts that totals \$574 billion from which to choose. The good news is, there are no revenue or tax increases on the White House list – it’s all spending cuts or savings that would result from overhauling various government programs.

But the likelihood is great that sometime within the next 48 hours, we’re going to be told that the deal is done, and there will be heavy pressure on all sides to vote in favor of a two-year deal that lifts the debt ceiling and busts the budget caps and may or may not contain some offsets to reduce the sting.

STAFFING:

Two announcements on the staffing front:

First, on Tuesday, President Trump announced his intention to appoint former FOX News contributor Monica Crowley to serve as Assistant Secretary of the Treasury for Public Affairs, in which position she'll act as the Treasury Department's official spokeswoman.

Second, on Friday, President Trump announced his intention to nominate Gene Scalia, son of the late Supreme Court justice and a former Solicitor of the Department of Labor to serve as the next permanent Secretary of Labor. Deputy Secretary Pat Pizzella, who we discussed last week, will remain in his position as Deputy, and will serve as Acting Secretary beginning on Monday, and will hold that position until Scalia is confirmed and sworn in.

SUGGESTED READING

BORDER SECURITY/IMMIGRATION:

[NRO: Poll: Majority Of Mexicans Support Deportation Of Central American Migrants](#)

[WaPo: Trump Administration Moves To Restrict Asylum Access To Curb Central American Migration](#)

CITIZENSHIP QUESTION:

[WaPo: The Real Reason The Census Should Include The Citizenship Question](#)

MINIMUM WAGE:

[Hill: Liberal Democrats Warn We'll Sink The Minimum Wage Bill If Moderates Change It](#)

[Politico: House Votes To Raise Minimum Wage, Uniting Dems After Months Long Struggle](#)

OBAMACARE:

[CR: Federal Judge Sides with Trump on Rule Allowing for Non-ObamaCare -- More Affordable -- Insurance Plans](#)

[Hill: Federal Judge Upholds Trump's Expansion of Non-ObamaCare Plans](#)

RUSSIA HOAX:

[Hill: FBI's Spreadsheet Puts A Stake Through The Heart Of Steele's Dossier](#)

[Hill: House Gears Up For Mueller Testimony](#)

[WaPo: Democrats Hope Mueller Gives Credence to Their Claim of an Unlawful Trump](#)

[Politico: Democrats To Face Off Against a Reluctant Mueller](#)

DEBTCEILING/SPENDING:

[Hill: White House, Congress Inch Toward Debt Budget Deal](#)

[Politico: Pelosi Cites 'Progress' In Talks To Clinch Budget Deal This Month](#)

[NYT: As Washington Seeks Budget Deal, Negotiators Try To Sideline Mulvaney](#)

[Politico: Senate Republicans Pray Trump Will Take Budget Deal](#)

[Politico: Pelosi Cites 'Progress' In Talks To Clinch Budget Deal This Month](#)

[Politico: Mnuchin Says Deal Reached On Overall Spending Limits](#)

[WaPo: Pelosi Knocks White House Fallback Plan On Debt Limit, Putting Pressure On Late-Stage Budget Talks](#)

[Yahoo: Pelosi And Mnuchin Push Forward A Debt Limit With A Budget Deal](#)

[Politico: Pelosi Rejects Short-Term Debt Ceiling Hike As Budget Talks Extend](#)

[Hill: Trump Faces New Hit On Deficit](#)

[Politico: Democrats Say White House Offer on Budget Deal Has 'Nonstarters'](#)

[Hill: Budget Talks Between White House and Pelosi Spill into Weekend](#)

[Politico: Mnuchin Says Deal Reached on Overall Spending Levels](#)

[Bloomberg: Mnuchin, Pelosi Keep Communications Going on Debt Ceiling Deal](#)

[WaPo: Trump Tells Aides To Look for Big Spending Cuts in Second Term, Sowing Confusion About Budget Priorities](#)

[WaPo: Emerging Budget Deal Likely To Include Few or No Actual Spending Cuts While Lifting Debt Limit for Two Years](#)

[WSJ: Debt-Ceiling and Spending Negotiations Split Republicans](#)

STAFFING:

[Hill: Trump Announces Monica Crowley To Be Treasury Department Spokeswoman](#)

[Hill: Trump Picks Scalia's Son As Labor Secretary Pick](#)

[Politico: Trump Taps Scalia's Son For Labor Secretary](#)

TRUMP V. THE SQUAD:

[Hill: Rising Number Of GOP Lawmakers Criticize Trumps Remarks About Minority Dems](#)

[WT: House Decides Nancy Pelosi's Criticism Of Trump Violates Chamber Rules](#)

[Hill: House Votes Against Striking Pelosi Remarks From Record](#)

[Politico: House Condemns Trump's 'Racist' Tweets Targeting Minority Congresswomen](#)

[RC: 'I Abandon The Chair' House Floor In Chaos After Pelosi Speaks On Trump Tweets](#)

[Politico: Republicans Press Pence For Answers On 'Send Her Back' Chant](#)

[WT: Roughly 50% Of Voters Say Racist Charges Against Trump Are Politically Motivated: Rasmussen Poll](#)

[Hill: House Votes To Condemn Trump For Racist Comments](#)

[WE: Gingrich: Trump Tweets Cleverly Reattached Leftist Squad To The Democratic Party](#)

[WaPo: Racist Tweets? News Media Grapple With How To Label Trump's Latest Attacks](#)

[Politico: Trump Ambushes Republicans With Attack On Minority Congresswomen](#)

[Politico: 'Bile Of Garbage' Progressive Squad Tears Into Trump](#)

[Hill: Green Files Articles Of Impeachment Against Trump, Setting Up Floor Vote](#)

[WSJ: House Passes Motion Blocking Trump Impeachment](#)

[Hill: House Votes To Kill Impeachment Effort Against Trump](#)

[Politico: Rep. Al Green To Force Impeachment Vote Against Trump](#)

[Hill: Al Green To Force Impeachment Vote Following Incendiary Trump Tweets](#)

[WaPo: 'He Always Doubles Down': Inside the Political Crisis Caused by Trump's Racist Tweets](#)

2020 DEMOCRATS:

[WaPo: It's Biden V. Harris Part 2 At Next Presidential Debate](#)

MISCELLANEOUS:

[Hill: House Approves Defense Bill After Adding Liberal Sweeteners](#)

[NYT: Tech Hearing: Congress Unites To Take Aim At Amazon, Facebook And Google](#)

[Politico: House Holds William Barr, Wilbur Ross In Criminal Contempt Of Congress](#)

[RC: House Holds Barr, Ross In Contempt On Census Subpoenas](#)

[Politico: House Blocks Arms Sale To Saudi Arabia, UAE In Rebuke To Trump](#)

[Hill: Dems Open To Killing Filibuster In Next Congress](#)

[Politico: Rand Paul Angles To Become Trump's Emissary To Iran](#)

[Yahoo: Twitter Users Side With Either Ilhan Omar Or Trump As Hashtag Warfare Erupts](#)

[Hill: History In The House As Congress Weathers Unprecedented Week](#)