

TEA PARTY PATRIOTS ACTION



WEEKLY REPORT FROM WASHINGTON

September 14, 2020

CALENDAR:

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

THIS WEEK ON THE HOUSE FLOOR:

The House will return on Monday, with the first vote set for 6:30 PM. At that time, the House is scheduled to consider 24 bills under Suspension of the Rules. Sixteen of those bills rename Post Office buildings.

On Tuesday, the House will consider H.R. 2639, the Strength in Diversity Act of 2020, introduced by Rep. Marcia Fudge. That's a bill to direct the Education Department to hand out grants to eradicate racial or socioeconomic isolation in publically-funded early childhood programs.

On Wednesday, the House will consider H.R. 2574, the Equity and Inclusion Enforcement Act of 2020. Rep. Bobby Scott introduced the bill. It would restore a private right of action for disparate-impact claims under the Civil Rights Act. Then the House will take up seven bills under Suspension of the Rules.

On Thursday, the House will consider H.Res. 908, condemning all forms of anti-Asian sentiment as related to COVID-19, and H.R. 2694, the Pregnant Workers Fairness Act, introduced by Judiciary Chairman Jerry Nadler. That bill would make illegal employment practices that fail to make what it calls "reasonable accommodations" for prospective employees or employees who are pregnant.

And then they'll be done.

LAST WEEK ON THE SENATE FLOOR:

The Senate came back to work on Tuesday, September 8, and voted to invoke cloture on the nomination of Brett H. Ludwig to be a U.S. District Judge for the Eastern District of Wisconsin. On Wednesday, the Senate voted to confirm him to that position.

Later Wednesday, the Senate voted to invoke cloture on, and then to confirm, the nomination of Christy Criswell Wiegand to be a U.S. District Judge for the Western District of Pennsylvania. Then the Senate voted to invoke cloture on the nominations of Hala Y. Jarbou to be a U.S. District Judge for the Western District of Michigan, Thomas T. Cullen to be a U.S. District Judge for the Western District of Virginia, and Diane Gujarati to be a U.S. District Judge for the Eastern District of New York.

On Thursday, the Senate voted to confirm Jarbou, Cullen, and Gujarati to those judgeships.

And, finally, on Thursday the Senate voted against invoking cloture on S. 178, the vehicle for the Senate GOP's so-called "skinny" coronavirus relief bill. The measure fell short by a vote of 52-47, with Sen. Kamala Harris of California not voting and Republican Sen. Rand Paul of Kentucky crossing party lines to vote with the Democrats against cloture. We'll talk about this in greater detail in a moment.

And then they were done.

THIS WEEK ON THE SENATE FLOOR:

The Senate will come back into session on Monday, with the first vote scheduled for 5:30 PM. That will be a roll call vote on cloture on the nomination of Mark C. Scarsi to be a United States District Judge for the Central District of California.

Then, based on the Majority Leader's cloture filings, I anticipate the Senate will consider the following nominations in the following order:

- Stanley Blumenfeld to be a U.S. District Judge for the Central District of California
- John W. Holcomb to be a U.S. District Judge for the Central District of California
- Todd Wallace Robinson to be a U.S. District Judge for the Southern District of California
- David W. Dugan to be a U.S. District Judge for the Southern District of Illinois
- Stephen P. McGlynn to be a U.S. District Judge for the Southern District of Illinois
- Iain D. Johnston to be a U.S. District Judge for the Northern District of Illinois
- Franklin Ulyses Valderrama to be a U.S. District Judge for the Northern District of Illinois

COUNTING ILLEGAL IMMIGRANTS FOR PURPOSES OF REAPPORTIONMENT:

On Thursday, a special three-judge panel of federal judges ruled that President Trump's order to the Commerce Department not to count illegal immigrants for purposes of reapportionment is unlawful.

The panel for the Southern District of New York ruled unanimously that the order violates the executive branch's "constitutional responsibility to count the whole number of persons in each State and to apportion members of the House of Representatives among the States according to their respective numbers."

The three-judge panel declined to rule on the plaintiff's charge that the President's order was unconstitutional, saying such a ruling was unnecessary. The judges also said the Commerce Department should continue to study whether or not it would be feasible to determine the number of illegal immigrants in each state, in case their ruling were to be overturned on appeal.

The ruling could be appealed directly to the Supreme Court. Though I expect the Trump Administration will do just that, the Department of Commerce has said nothing definitive on the subject since the ruling was announced Thursday.

CORONAVIRUS RELIEF:

Senate Majority Leader Mitch McConnell brought a bill to the floor on Thursday, hoping to show that he could muster at least 51 votes for a so-called "skinny" coronavirus relief bill.

The bill included a \$300 hike in weekly unemployment insurance benefits through the end of the year and a reinvigorated Paycheck Protection Program allowing for a "second draw" of loans for businesses. That program would have used almost \$150 billion in unspent funds from an earlier coronavirus relief bill.

The bill also included \$105 billion in funding for K-12 schools and colleges and universities, along with new scholarship programs intended to support school choice efforts. It also included liability protections for businesses, schools, and healthcare providers.

All but one of McConnell's Republican colleagues stood by his effort – Rand Paul of Kentucky, who says we simply do not have the money on hand to be able to pay for these monstrous bills and, therefore, will not vote for them, stayed true to his word, and even voted against cloture on the bill. All the Democrats who voted voted against the bill.

So now House Democrats have shown that they can pass a \$3.4 trillion bill through the House, and Senate Republicans have shown that they can muster 51 votes for a \$500 billion in the Senate.

And that means ... what, precisely? Absolutely nothing. House Democrats cannot force the Senate to take up and pass a more expensive bill, and Senate Republicans cannot force the House to take up and pass a less expensive bill.

So for now, at least, we've got a standoff, and neither side looks like it's getting ready to blink.

The White House, meanwhile, seems to think it can get Senate Republicans to move off their number and toward \$1.5 trillion. Given that Senate Republicans just showed they'd back a bill at no more than a third of that expense, I don't know why the White House thinks they can get \$1.5 trillion, but that's Mnuchin's number.

On the House side, the so-called "frontline" Democrats – that is, the 30 Democrat freshmen elected from districts that President Trump carried in 2016 – are, if media reports are accurate,

getting a bit itchy. They don't like this game of chicken, and they are taking their concerns directly to Speaker Pelosi. Rather than sit there and do nothing, waiting for Senate Republicans and/or the White House to cave, they say, why don't we House Democrats pass stand-alone bills, like an extension of unemployment insurance benefits, or an extension of the PPP loan program, or something simple and targeted like that? That way, at least, it will look like House Democrats are trying to do something for their constituents. But Speaker Pelosi is having none of it.

So it actually looks as if we may get all the way through the election without voting through another massive, we-can't-afford-it coronavirus relief spending bill.

GOVERNMENT FUNDING:

A week and a half ago, Treasury Secretary Steven Mnuchin and House Speaker Nancy Pelosi revealed that they had come to an agreement to use a short-term Continuing Resolution to avoid a government shutdown at the end of this month.

What we do not know is how long the CR will last. Congressional Republicans seem to want the funding to last through the middle of December, while their Democrat counterparts seem to want the funding to last into early next year. Democrat Sen. Pat Leahy of Vermont, the Ranking Member on the Senate Appropriations Committee, has introduced a CR that would last until March of next year, but he's been told by his committee's chairman, Republican Richard Shelby of Alabama, that that will not do.

Both principals said they wanted a so-called "clean" CR, meaning they don't want any extraneous measures tied to it, so, for now at least, it looks like they're going to try to pass a CR without appending onto it any coronavirus relief measures.

THE WOODWARD BOOK:

On Wednesday morning, Washington Post reporters Bob Costa and Philip Rucker posted online a blockbuster story taken from their Post colleague Bob Woodward's new book about President Trump, "Rage," which revealed that Trump had deliberately downplayed the severity of the crisis the nation faced with the emergence of the coronavirus earlier this year. In early February, Trump was telling Woodward in on-the-record interviews, "You just breathe the air and that's how it's passed. And so that's a very tricky one. That's a very delicate one. It's also more deadly than even your strenuous flus ... This is deadly stuff." At that time, Trump was telling the nation that the coronavirus was no worse than a seasonal flu. He was saying the coronavirus would soon disappear, and he was insisting that the federal government had everything under control.

More than a month later, on March 19, Trump admitted to Woodward that he had deliberately minimized the threat. "I wanted to always play it down ... I still like playing it down, because I don't want to create a panic."

Democrats and the media, predictably, went nuts. Trump did not seem fazed. Asked that day if he had misled the public, Trump responded, "I think if you said 'in order to reduce panic,' perhaps that's so."

The book is based in large part on 18 on-the-record interviews Trump gave Woodward between December 2019 and July of this year.

By week's end, Woodward himself was under attack from critics who slammed him for not revealing back in February and March that the president was playing fast and loose with the truth. He responded that as long as the public was informed before the election, he thought that was fine.

SUGGESTED READING

TEA PARTY PATRIOTS/JENNY BETH MARTIN:

[Patriot Project: Jenny Beth Martin: Biden-Harris Ticket Is Threatening Continued Violence And It's Going To Backfire](#)

[Patriot Project: Jenny Beth Martin: The Imperative To Reopen America](#)

[Patriot Project: Jenny Beth Martin: For The Good Of Our Country, It's Time To Reelect Donald Trump](#)

[Patriot Project: Jenny Beth Martin: Hydroxychloroquine Is Back, And It's About Time](#)

COUNTING ILLEGAL IMMIGRANTS FOR PURPOSES OF REAPPORTIONMENT:

[AP: Judges: Trump Can't Exclude People from District Drawings](#)

[WSJ: 2020 Census Must Count Illegal Immigrants When Allocating House Seats, Judges Rule](#)

[Hill: Court Blocks Trump Order To Exclude Undocumented Immigrants from Census](#)

CORONAVIRUS:

[Politico: Trump Officials Interfered with DCD Reports on COVID-19](#)

CORONAVIRUS RELIEF:

[Hill: Senate GOP 'Goal' Is To Vote Next Week On 'Targeted' Coronavirus Relief Bill](#)

[Politico: Schumer Rips 'Emaciated' Republican Coronavirus Relief Plan](#)

[Hill: McConnell Seeks To Protect Vulnerable Republicans With COVID-19 Vote](#)

[Hill: Mnuchin: Trump Wants More COVID-19 Relief Aid](#)

[WaPo: White House Looks At More Executive Actions As Coronavirus Talks Appear Finished](#)

[Politico: Senate Paralyzed Over Coronavirus Relief](#)

[CNN: Fight Over Cruz's School Choice Plan Threatens Senate GOP Acting On New Stimulus](#)

[Politico: Senate Returns With Plan To Nowhere On Coronavirus Relief](#)

[Hill: Senate To Vote On Scaled Down Coronavirus Relief Package](#)

[Hill: Discord Over State And Local Funds Plagues Coronavirus Talks](#)

[Hill: No More Bailouts For State And Local Governments](#)

[Politico: Senate Democrats Block Republican Covid Relief Proposal](#)

[RC: 'Skinny' Coronavirus Relief Bill Blocked in Senate](#)

[Hill: Senate Democrats Block GOP Relief Bill](#)

[NYT: Trump's Payroll Tax 'Cut' Fizzles](#)

[Politico: Vulnerable Dems Anxious over Stalled Covid Talks](#)

GOVERNMENT FUNDING:

[Politico: Pelosi And Mnuchin Agree On Plan To Avoid Government Shutdown](#)

[Hill: Mnuchin, Pelosi Reach Informal Deal To Avoid Government Shutdown](#)

[Hill: Battle over Timing Complicates Democratic Shutdown Strategy](#)

THE WOODWARD BOOK:

[WaPo: Woodward Book: Trump Says He Knew Coronavirus Was 'Deadly' and Worse Than the Flu While Intentionally Misleading Americans](#)

[Politico: Trump Rushes To Contain Fallout from His Interviews with Woodward](#)

[Hill: Trump Says 'Perhaps' He Mised Public on Coronavirus To 'Reduce Panic'](#)

[Hill: Trump Draws Fire for Saying He Downplayed Virus To Avoid 'Panic'](#)

[Hill: Senate Republicans Scramble To Contain Fallout from Woodward Bombshell](#)

[NYT: For a President Who 'Needs To Touch the Flame,' Bob Woodward Was Irresistible](#)

[AP: Woodward Defends Decision To Withhold Trump's Virus Comments](#)

MISCELLANEOUS:

[Axios: Appeals Court Denies Michael Flynn's Request To Immediately Drop Case](#)

[NYP: Political Insider Explains Voter Fraud With Mail-Ballots](#)

[Fox News: Study Suggests 2020 Polls May Be Missing 'Shy' Trump Voters](#)

[WaPo: US Government Debt Will Nearly Equal The Size Of The Entire Economy For First Time Since World War II, CBO Finds](#)

[Politico: CDC To States: Ready Vaccine Distribution For November](#)

[WSJ: The Failed Experiment Of Covid Lockdowns](#)

[NY Times: NYC Delays Start Of School To Ready For In-Person Classes](#)

[Hill: Trump Administration Issues Sweeping Eviction Ban](#)

[NPR: Trump Adds Ted Cruz And Tom Cotton To List Of Potential SCOTUS Picks](#)

[Politico: Whistleblower Says Top Homeland Security Appointees Tried To Censor Reports On Russian Influence](#)

[WSJ: Make The Senate Great Again](#)

[Politico: Marijuana Vote Poses November Risk For Democrats](#)

[Outkick: WaPo Acknowledges They Misquoted Me, Buries Correction](#)

[RC: Georgia Rep. Tom Graves To Resign, Effective October](#)

[Kevin McCarthy: Commitment to America memo](#)