

TEA PARTY PATRIOTS ACTION

WEEKLY REPORT FROM WASHINGTON

July 19, 2021

CALENDAR:

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

THIS WEEK IN THE HOUSE:

The House will return Monday, with the first votes set for 6:30 PM. At that time, the House is scheduled to consider 14 bills under Suspension of the Rules.

On Tuesday, Wednesday, and Thursday, the House is scheduled to consider another 13 bills under Suspension. The House will also consider H.R. 2668, the Consumer Protection and Recovery Act; H.R. 2467, the PFAS Action Act of 2021; and H.R. 3985, the Allies Act of 2021.

LAST WEEK IN THE SENATE:

The Senate came back to work on Monday, July 12. First up was a vote to invoke cloture on the nomination of Uzra Zeya to be Under Secretary of State for Civilian Security, Democracy, and Human Rights. Then, by voice vote, the Senate confirmed Jen Easterly to be Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

On Tuesday, the Senate voted to confirm her to that position. Then the Senate voted to invoke cloture on, and then to confirm, the nomination of Julie A. Su to be Deputy Secretary of Labor. Then the Senate agreed to a motion to discharge from the Committee on Health, Education, Labor, and Pensions the nomination of Jennifer Ann Abruzzo to be General Counsel of the National Labor Relations Board.

On Wednesday, the Senate voted to invoke cloture on the nomination of Jocelyn Samuels to be a Member of the Equal Employment Opportunity Commission, and the nomination of Seema Nanda to be Solicitor for the Department of Justice. Then the Senate voted to confirm both those nominees to those positions. Then the Senate voted to invoke cloture on the nomination of J. Nellie Liang to be Under Secretary of the Treasury, and on the nomination of Donald Michael Remy to Deputy Secretary of Veterans Affairs.

On Thursday, the Senate voted to confirm J. Nellie Liang and Donald Michael Remy to those positions. Then the Senate voted to invoke cloture on the nomination of Tiffany P. Cunningham to be U.S. Circuit Judge for the Federal Circuit.

And then they were done.

THIS WEEK IN THE SENATE:

The Senate will return on Monday, and will resume consideration of the nomination of Tiffany P. Cunningham to be U.S. Circuit Judge for the Federal Circuit. At 5:30 PM, the Senate will proceed to a roll call vote on confirmation of Tiffany P. Cunningham to be U.S. Circuit Judge for the Federal Circuit.

In addition, the Majority Leader filed cloture on the nomination of Kenneth Allen Polite, Jr. to be an Assistant Attorney General, and on the nomination of Jennifer Ann Abruzzo to be General Counsel of the National Labor Relations Board.

THE CORRUPT POLITICIANS ACT:

A week ago Thursday, the Texas legislature assembled for a special session called by the governor to pass several items of interest that had not passed during the regular session. Principal among them was the election reform bill that had passed the state Senate, but not the House, which Texas Democrats blocked by leaving the chamber and breaking quorum on the last evening of the regular session.

So, the governor called a special session, and made clear he wanted the legislature to pass the election reform bill. Over the weekend, the two chambers held public hearings on dueling versions of the bill – all day long Saturday, in fact, not ending until mid-morning Sunday. It looked like the chambers would vote on the bills as early as Tuesday.

So on Monday, at least 51 of the 67 Texas House Democrats decided to play the same game, one more time. They left Austin for Washington, DC, on two chartered planes. They wanted to raise holy hell about the filibuster, and how it's being used to block passage of legislation they strongly support. That is, Texas Democrats employed a tactic of the minority to come to Washington to complain about ... Republican senators employing a tactic of the minority.

The day after the Texas House Democrats fled Austin, President Biden traveled to Philadelphia to give a speech at the National Constitution Center about the importance of voting rights. He tried to shame Republicans, declaring the fight against restrictive voting laws in apocalyptic terms: "I swore an oath to you, to God, to preserve, protect, and defend the Constitution. And that's an oath that forms a sacred trust to defend America against all threats, both foreign and domestic. The assault on free and fair elections is just such a threat – literally. I've said it before: We are facing the most significant test of our democracy since the Civil War. That's not hyperbole. Since the Civil War."

As the Washington Examiner's Byron York points out, "Whenever Joe Biden says he is not using hyperbole, that's a good sign he is using hyperbole. Also, when he says something is 'literally' true, that's often a tipoff that he is speaking figuratively."

The truly interesting thing about Biden's speech is that, like Sherlock Holmes and the dog that did not bark, what was more important about Biden's speech was not what was in it, but what was NOT. And what was NOT in it was any statement by Biden urging Democrat senators to blow up the filibuster to pass S. 1, the Corrupt Politicians Act.

Radical Democrats – ah, but I repeat myself, because on this issue they are ALL radical – were disappointed. Because they know that without a decision to blow up the filibuster, their bill will never become law.

The Senate still wants to project an air of progress on the issue, even though it's been defeated at the legislative level. So today, in Atlanta, Sen. Amy Klobuchar, chairman of the Senate Committee on Rules and Administration, is going to do something her committee has not done since George W. Bush was president – the committee will hold a field hearing in Atlanta to generate some local news coverage and give the two new Georgia Democrat senators an opportunity for some media attention in their home state media markets. Sen Jon Ossoff is a member of the committee, and will accompany Klobuchar to the field hearing, and Sen. Raphael Warnock will testify.

Stay tuned. This issue is not going away.

FAUCI OVERSIGHT AND THE SEVEN-MEMBER RULE:

On Thursday, minority Republicans on the House Oversight and Government Reform Committee sent a letter to Francis Collins, Director of the National Institutes of Health (NIH), and Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases (NAID). In the letter, the Republicans asked for information on a grant to EcoHealth Alliance, which then took the taxpayer money it had received and sent it on through a subgrant to the Wuhan Institute of Virology.

Members of the minority party have been writing letters like this for decades. With great regularity, the folks at the executive branch agency that receive such letters immediately seek to safeguard them by placing them for safekeeping in a solid metal container – usually cylindrical in construction, and often found resting on the floor, next to a desk.

But this time, Ranking Member Jim Comer and his GOP colleagues have chosen to invoke the Seven Member Rule, which is a law I must confess I had never heard of before Shonda flagged it for me this week, which just goes to show that even after working as a political professional for more than 40 years, I still do not know everything I wish I did, because this law is actually more than a bit cool.

The Seven Member Rule is a law that was originally enacted in 1928. It states that: "An Executive agency, on request of the Committee on Government Operations of the House of

Representatives, or of any seven members thereof, or on request of the Committee on Government Affairs of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.”

The seven members don't have to be members of the majority party. They don't even need to be from the same party. Nor do they need the approval of the chairman of the committee.

So now Collins and Fauci are required to respond as a matter of law. This could get interesting.

IMMIGRATION:

There are three developments of note on the immigration front this week.

First, on Friday, Customs and Border Protection announced that approximately 190,000 people attempted to cross our southern border unlawfully during the month of June. According to CBP, that's the highest monthly number in more than 21 years.

About 10,000 of the 188,829 encounters were denied entry at a port of entry, while the rest were apprehended near unfenced areas.

Second, on Friday, Federal District Judge Andrew Hanen ruled that the Deferred Action for Childhood Arrivals program is unlawful, and that the Department of Homeland Security will no longer be allowed to approve new applicants into the program. So far, the program has provided work permits and deferred action on deportation to more than 600,000 illegal immigrants who were brought to the country while they were children.

At the same time, he ruled that DHS could continue processing DACA renewals as the lawsuit moves through the appeals process.

On Saturday, the White House issued a statement in which President Biden said the ruling was “deeply disappointing,” and said the Department of Justice would appeal.

Pro-immigration activists have been afraid of this ruling since the December hearing. That's why they've put pressure on congressional Democrats to take steps through the legislative process to address their desire for a huge amnesty for the millions of illegal immigrants here in America.

That leads us to the third development. Senior Democrats in both House and Senate have decided to try to include various amnesties for targeted populations of illegal immigrants in the \$3.5 trillion reconciliation bill they intend to pass this fall.

This will not be a slam dunk. In order to include such policy changes in the reconciliation bill, they're going to have to convince the Senate parliamentarian that not only do the policy changes have a significant impact on the federal budget, but that the significant impact is the purpose of the policy changes. That's going to be a tough sell.

Remember, in the winter, when they were trying to pass the last of the massive coronavirus relief bills, they brought up the \$1.9 trillion measure under reconciliation. And because they did that, they could not get through their desired change to the minimum wage. Even though increasing the minimum wage to \$15 per hour would have had an effect on the federal budget, that was not the primary purpose of the policy change, so the parliamentarian struck it from the package.

The same thing may well happen here – Democrats will make a big show of including a pathway to citizenship for so-called “Dreamers,” and recipients of Temporary Protected Status, and farmworkers, and even front-line “essential” workers. And while I’m sure they really, really want the parliamentarian to rule that those policy changes meet the test and can be included in the reconciliation package, I’m also quite sure they won’t be terribly upset if she strikes those policy changes from the package. They would, after all, have shown their constituency groups that they tried, and that’s what really counts.

SO MUCH FOR TAXPAYERS NOT FUNDING ABORTION?

On Thursday, the Democrats who run the House Appropriations Committee did something so radical it hasn’t been done since Jimmy Carter was president – while considering the annual Labor, Health and Human Services, and Education appropriations bill, they deliberately left out the Hyde Amendment, the long-standing prohibition against taxpayer funding of abortion. When Ranking Member Tom Cole offered an amendment to restore the language of the Hyde Amendment, it was defeated by a vote of 27-32, with only one Democrat in support.

For those who are interested, back in April, New Jersey Republican Congressman Chris Smith introduced H.R. 18, the No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act of 2021. That bill currently has 187 cosponsors. Minority Whip Steve Scalise went to the House floor two weeks ago to request unanimous consent that the House vote on H.R. 18, but Speaker Pelosi blocked the request. Scalise has promised that “When House Republican take the majority, we will ensure that the No Taxpayer Funding for Abortion Act is passed and that the Hyde Amendment will no longer be under threat from President Biden and radical Democrats.”

A SELECT COMMITTEE FOR JANUARY 6?

On Thursday, the House Select Committee investigating the events of January 6 announced it would hold its first hearing on Tuesday, July 27. That first hearing will feature testimony from Capitol Police and Metropolitan Police officers.

Though Minority Leader Kevin McCarthy has not yet announced any appointments to the Select Committee, the committee can go ahead and hold the hearing, because it has eight members, which constitutes more than the majority necessary to establish a quorum.

INFRASTRUCTURE:

It's time to start talking about infrastructure and reconciliation.

On Tuesday, Senate Budget Committee Democrats announced they had come to agreement on a \$3.5 trillion budget package for so-called "soft" infrastructure – paid family leave, child care, an expansion of Medicare, etc., that includes as its pay-fors massive tax hikes on corporations and wealthy individuals.

Combined with the latest news on the infrastructure deal negotiated by a group of five Republican senators and five Democrat senators, that would total about \$4.1 trillion in new federal government spending.

Even though one of the bills will be brought up under regular order (meaning it will need to garner 60 votes to invoke cloture, which means at least 10 Republicans will have to vote for it), and one of the bills will be considered under the special rules set aside for the reconciliation process (which does NOT require 60 votes, and, therefore, does not require at least 10 GOP votes), we really should think of the two bills as one effort in two parts.

Some Democrat spending priority that doesn't make it into the bipartisan infrastructure package can simply go into the reconciliation package – as long as it can pass muster with the Senate parliamentarian.

Moderates want to do as much of this in a bipartisan fashion as possible, for the simple political calculation – the more GOP support they can get, the better their rear ends are covered, politically speaking. Moderate Democrats, worried about reelection next year, wish Republicans would sign off on trillions of dollars of new spending on Democrat priorities. But that's just not going to happen. So the best moderate Democrats can hope for is to get Republicans to sign off on ... a lot of new spending. Not all of it, but at least a lot of it. That way, the size of the single-party reconciliation bill can be reduced, so it won't look so crazy.

Progressive Democrats, on the other hand, are not happy that the White House is only pushing for \$3.5 trillion for the reconciliation bill. They want everything in there, like the amnesty we discussed earlier. And they're worried that some moderate Democrats might stab them in the back by voting for the bipartisan infrastructure package first, and then voting against the reconciliation bill once they have what they wanted in the bipartisan package.

So progressives are demanding that the reconciliation bill be passed first. That way, they can be sure the moderates come through with their votes, which will be needed to pass the reconciliation bill.

I'm not at all sure that's the order in which Majority Leader Schumer will bring the bills to the floor. In fact, I think he would lean the other way – I think it's more likely that he brings the bipartisan infrastructure bill to the floor first, to establish some good bipartisan vibes before he goes all-in on the raucous partisanship of that reconciliation bill. He can just pass the bipartisan bill and hold it until the Senate then takes up and passes the reconciliation bill. Once both bills

are passed, he can send them both over to the House, and Speaker Pelosi can figure out which bill to bring to the floor first.

Schumer has announced he intends to file a cloture motion on Monday so he can bring to the floor of the Senate on Wednesday the bipartisan infrastructure bill. The problem is, the bill still has not been written. That agreement that was announced Tuesday night was an agreement among Senate Budget Committee Democrats. That's an important agreement to reach in this process, but it's not even an agreement among all Senate Democrats, let alone an agreement with Republican Senators.

One of the major pay-fors in the bill as of this time last week was sending tens of billions of dollars to the Internal Revenue Service to allow the IRS to hire tens of thousands of new agents, so they can go after what they say is about a trillion dollars a year in uncollected taxes. What that really means is a hell of a lot of audits of small businesspeople, because that's where the money is.

At first, congressional Republicans did not seem to mind this approach. But over the last few weeks, conservatives have begun mobilizing opposition to the idea of enlarging the IRS budget, and the latest information I have indicates that this provision will not be in the bipartisan infrastructure package. So far, a matching pay-for has yet to be identified, so as of right now, there is not a funding mechanism in the bill to pay for all of its spending.

Schumer is caught. On the one hand, he's got a White House that very much wants him to move, because we're just a few weeks away from a very long scheduled August recess and they haven't accomplished as much as they would have liked. On the other hand, if he pushes too hard, he may well upset some of the Republicans he's counting on for support on the bipartisan bill.

This is going to be tougher than a lot of people think.

And don't forget, we're rapidly approaching the end of the fiscal year – the next fiscal year begins October 1, and in terms of legislative days, that's less than five weeks away. How many of the 12 annual appropriations bills have passed either house, let alone both? Precisely zero. And the debt limit suspension ends two weeks from now. The Treasury says it can use smoke and mirrors for a few weeks beyond that, but they really, really want Congress to give them a new bump in the debt limit before the House and Senate go away for the August recess.

FACEBOOK AND THE WHITE HOUSE:

White House Press Secretary Jen Psaki stepped in it this week when, from the White House Press Briefing Room podium, she acknowledged that the Biden Administration has been regularly in touch with Facebook and other social media platforms to get the social media platforms to take down posts and posters the Biden Administration does not like.

Of course, she didn't say it exactly like that. She said, "We are in regular touch with the social media platforms and those engagements typically happen through members of our senior staff

and also members of our COVID-19 team – given, as [Surgeon General] Dr. Murthy conveyed, this is a big issue, of misinformation, specifically on the pandemic.” She then went on to say the Biden team was “flagging” posts on Facebook: “Within the Surgeon General’s Office, we’re flagging posts for Facebook that spread disinformation ... We’re working with doctors and medical professionals to connect medical experts with people, who are popular with their audiences with accurate information and boost trusted content. So, we’re helping get trusted content out there. We also created the COVID Community Corps to get factual information into the hands of local messengers.”

When government works in collusion with private companies and orders private companies to take action for the benefit of the government actors, that’s problematic. As independent journalist Glenn Greenwald put it, “This is the union of corporate and state power – one of the classic hallmarks of fascism – that the people who spent 5 years babbling about fascism support.”

Facebook has a right to its own policies and procedures. It is a private company, and the First Amendment does not apply. But when Facebook takes direction from the government, and takes action to censor certain individuals at the request or demand of the government, then it becomes an agent of the government, and the First Amendment IS implicated. Greenwald continued: “As I’ve documented before, the Supreme Court has ruled that the First Amendment’s free speech guarantee is violated when government officials pressure or coerce private actors to censor for them. That is exactly what the Biden WH is doing with Facebook.”

Now, here’s the really odd part – the reason Jen Psaki and the Surgeon General talked publicly about the White House relationship with Facebook was not because they were bragging, not because they were happy about the way things were going with Facebook; it was because the Biden Administration was NOT happy with Facebook’s level of engagement and responsiveness to Biden Administration concerns over what it believes to be COVID vaccine “misinformation.”

President Biden himself got into the act, telling reporters in response to a question about Facebook and vaccine misinformation, “They’re killing people ... The only pandemic we have is among the unvaccinated. And they’re killing people.”

In deciding to smack Facebook publicly, the Biden Administration made public something that the rest of us had not known about in the first place. And in doing so, they’ve brought themselves some opposition from quarters that had previously been unaware.

Stay tuned on this one. The White House just opened a can of worms.

TEA PARTY PATRIOTS/JENNY BETH MARTIN:

WT: Jenny Beth Martin: Biden Administration's Partisan Legal Attack On Georgia's New Voter Law Is A Sham

Townhall: Jenny Beth Martin: Democrats Are On The Losing Side Of Election Integrity Efforts

WT: School Board Races Primed To Explode With Critical Race Theory Backers, Opponents

THE CORRUPT POLITICIANS ACT:

NYT: Texas Democrats Flee State To Highlight G.O.P. Voting Restrictions

Texas Tribune: Texas Democrats Attempt To Block Voting Bill By Fleeing State

Axios: Texas Dems Flee State In Effort To Block GOP Voting Restrictions

WSJ: Texas Democrats To Stage Walkout To Kill Voting Bill

Texas Tribune: Voting Bills Advance In Texas Legislature After Overnight Committee

NYT: After Marathon Hearings, Texas Republicans Advance Voting Measure

Hill: Texas Republicans Advance Election Bills In Special Session

Hill: Abbott Says Democratic Lawmakers Will Be Arrested When They Return

NRO: Texas Passes Voting Bill

NYT: 'Have You No Shame?' Biden Frames Voting Rights as a Moral Reckoning.

Bloomberg: Joe Manchin Says No Filibuster Exception For Voting Rights Bill

FAUCI OVERSIGHT AND THE SEVEN-MEMBER RULE:

DC: EXCLUSIVE: House Oversight Republicans Demand Answers from Fauci, Collins Over Grant to Wuhan Lab

IMMIGRATION:

Politico: Federal Judge Finds DACA Unlawful, Blocks New Applicants

[Flip: Democrats Eye Immigration Action In Budget, But Outlook Hazy](#)

[Politico: Climate, Immigration, Medicare Lead Progressive Highlights In Democrats Budget](#)

A SELECT COMMITTEE FOR JANUARY 6?

[Politico: McCarthy Not Yet Sold On Naming Republicans To Jan.6 Investigation](#)

INFRASTRUCTURE:

[Politico: GOP Support For Bipartisan Infrastructure Deal Going Wobbly](#)

[CNN: Infrastructure: Biden's Bipartisan Deal Could Face Key Senate GOP Opposition](#)

[The Hill: Manchin 'Open' To \\$3.5 Trillion Democratic Budget Deal](#)

[The Hill: Manchin Draws Red Line In Infrastructure Talks](#)

[The Hill: Democrats Reach Deal On \\$3.5T Price Tag For Infrastructure Bill](#)

[Roll Call: Senate Democrats, White House Agree On \\$3.5 Trillion Budget Package](#)

[NY Times: Democrats Propose \\$3.5 Trillion Budget To Advance With Infrastructure Deal](#)

[CNN: Joe Manchin Says He's 'Very, Very' Disturbed About Reconciliation Proposals On Climate Change](#)

[The Hill: Schumer Sets Up Key Vote On Bipartisan Deal](#)

[American Spectator: Not A Penny More For The IRS](#)

[Politico: Democrats' Next Political High-Wire Act: Selling Their \\$3.5T Budget](#)

[Politico: Democrats Unveil \\$3.5 Go-It-Alone Plan To Fulfill Biden's Agenda](#)

[Hill: Democrats Reach Deal On \\$3.5T Price Tag For Infrastructure Bill](#)

[Roll Call: Senate Democrats, White House Agree On \\$3.5 Trillion Budget Package](#)

[NYT: Democrats Propose \\$3.5 Trillion Budget To Advance With Infrastructure Deal](#)

[Politico: Senate Nears Pivotal Vote On Bipartisan Infrastructure Deal That's Still Unwritten](#)

[Hill: Trouble: IRS Funding Snags Bipartisan Infrastructure Deal](#)

FACEBOOK AND THE WHITE HOUSE:

[NYP: White House 'Flagging' Posts For Facebook To Censor Due To Covid-19 Misinformation](#)

[Fox: Facebook Fascism](#)

[Greenwald: Congress Escalates Pressure On Tech](#)

[WSJ: Biden Blasts Covid-19 Vaccine Misinformation on Social Media](#)

[WSJ: Biden's Facebook Attack Followed Months of Frustration Inside White House](#)

MISCELLANEOUS:

[Hill: Consumer Prices Rise 0.9 Percent, Inflation Up 5.4 Percent In June](#)

[Axios: Republicans Push To Ban 'Discrimination' Against Unvaccinated People](#)

[WT: California To Ban Students Who Refuse To Wear Masks](#)

[Conservative Review: New Evidence Indicates Enough Illegal Votes In Georgia To Tip 2020 Results](#)

[WT: Maricopa County, Arizona, Election Audit Finds Discrepancy, Senate President Says 'These Numbers Do Not Match'](#)

[VoterGA: More On Fulton County, GA Audit](#)

[Federalist: New Evidence Indicates Enough Illegal Votes In Georgia To Tip 2020 Results](#)

[Axios: Schumer's Bomb](#)