



2014 Year-End Report

113th United States Congress, Second Session

The midterm election year of 2014 witnessed significant conservative advances at the ballot box but political stalemate on Capitol Hill. A divided Congress served as both a help and a hindrance to conservative priorities. Under Harry Reid's leadership, the Senate rarely took up any conservative measures and instead focused on unserious messaging bills in a futile bid to keep the Democratic majority. At the same time, conservatives in the House often buried Reid's proposals before they could reach President Obama's desk.

Eagle Forum took a leading role in many of these battles. Many of them ended in disappointment, and the victories, too, were often partial or short-lived. However, few of the defeats were permanent. At the very least, a new Republican majority in the Senate and strengthened GOP numbers in the House increase the ability of conservatives to drive the agenda. For the first time in his presidency, Barack Obama could be confronted with conservative legislation to be signed or vetoed, rather than depending on congressional allies to kill it for him.

As a note, because this report is concerned primarily with the activities of Eagle Forum's Capitol Hill office, it does not address the ongoing efforts against **Common Core**. While we are involved in many of the fights, they are primarily state driven. A significant victory this year was in Oklahoma. Although the repeal movement was driven by the grassroots, the Capitol Hill office helped direct calls and arrange an *amicus* brief in support of repeal.

The Constitution

Efforts to restrict political speech met with decisive failure this year in the courts and in Congress. In *McCutcheon v. FEC*, the Supreme Court struck down limits on the number of candidates a donor could support. As a response, progressives took aim at the First Amendment. Sen. Tom Udall (D-NM) and 48 Democratic cosponsors advocated **S.J. Res. 19**, a constitutional amendment that would hand Congress and the states vast authority to regulate spending in campaigns. Some Republicans voted to open debate on S.J. Res. 19 and used the time to attack it; all Republicans opposed it on the cloture motion.

Conservatives also took aim at the imperial presidency. **H.R. 3973, the Faithful Execution of the Law Act**, would require the Attorney General to report to Congress whenever a federal office refuses to execute a law or uphold a final court decision. It passed the House with the support of every Republican, except Rep. Dana Rohrabacher (CA), and eighteen Democrats. **H.R. 4138, the ENFORCE the Law Act**, would establish a process for expedited legal action against the executive branch when it refuses to faithfully execute the laws. The measure passed the House of Representatives with all Republicans and five Democrats voting yes. Neither bill was considered by the Senate.

Besides legislation, the House also hoped to enlist the courts in fighting the imperial presidency. In July, it authorized a lawsuit against the Obama administration over its unilateral changes to the Affordable Care Act. The suit was filed in November, with the House represented by Jonathan Turley, a legal scholar with liberal political views but who is deeply concerned about unchecked executive power. Over half the states have filed their own lawsuit against President Obama's executive amnesty. This effort was launched by Greg Abbott, former Attorney General and current Governor of Texas.

Drugs

In the wake of marijuana legalization in Washington and Colorado, Congress sent mixed signals in its responses to legalization in the states. In September, the House passed **H.R. 4137, the Preserving Welfare for Needs Not Weed Act**, by a voice vote. This bill would ensure that welfare recipients could not use their benefit cards at establishments that sell marijuana. The Senate did not vote on the bill.

Two riders in the December CRomnibus also addressed marijuana. The first ended federal action against medical marijuana in states that permit its use; the second cuts off funding for the legalization of recreational marijuana in the District of Columbia. Both provisions became law with the enactment of the spending package.

Feminism

Senate Democrats pushed several bills in response to the so-called "War on Women," none of which passed. A strong push was made for "paycheck fairness" legislation, which would expand opportunities for litigation over pay disparities between men and women. In April, **S. 2199, the Paycheck Fairness Act**, failed on the cloture motion by a vote of 53-44, with Sen. Angus King (I-ME) joining all Republicans present in opposition. Sen. Reid brought up S. 2199 again in September, where Sen. King again joined all Republicans present in successfully defeating the cloture motion. A companion measure was introduced in the House but never came up for a vote.

Democrats also sought to turn the Supreme Court's *Hobby Lobby* decision into political capital. Sen. Patty Murray (D-WA) proposed **S. 2578, the Protect Women's Health from Corporate Interference Act**, which would overturn the Court's decision. It failed on a cloture vote by 56-43, with Republican Sens. Susan Collins and Lisa Murkowski joining Democrats against the rest of the GOP caucus.

The *Hobby Lobby* decision also spurred renewed interest in the **Equal Rights Amendment**, which the feminists say would cause the Supreme Court to rule against Hobby Lobby. Democrats in both houses have reintroduced the ERA for Congress to again pass and send to the states. Many also support legislation, however, that would simply lift the deadline on the original ERA. Instead of repeating the entire process of ratification, they would focus only on getting three more states; this approach alleges that state rescissions of ratification are invalid.

One of the few successes feminists could claim this year in Congress is the establishment of a commission to study the potential creation of a **National Women's History Museum (NWHM)**. Since 1996, the Board of the NWHM has been working to obtain a permanent museum site on or near the National Mall. Having a separate women's museum implies by its very existence that women have been absent from the great achievements displayed in other museums. We believe that women are

honored and represented in every other national museum and monument dedicated to presenting the vast history of the American story. While some featured exhibits might be worthy, the content of such a museum would be slanted to represent the feminist ideology and would not provide an accurate portrayal of American women. Rather than presenting an objective and unifying view, establishing this museum would bring about a contentious political battle inappropriate for a place where Americans go to unite.

This year, the NWHM Board found a useful ally in Rep. Marsha Blackburn (R-TN), who convinced GOP House leadership to call up a vote. Many typically conservative members felt pressured to vote for the bill (**H.R. 863**) as a way to combat the “War on Women” narrative, while others believed that supporting a mere “commission to study” the museum would be harmless in the long run. H.R. 863 easily passed the House, 383-33.

Reps. Michele Bachmann (R-MN) and Vicky Hartzler (R-MO) deserve particular praise as the only two women in the House to oppose the Women’s Museum. The other representatives voting against the Women’s Museum were: Justin Amash (R-MI), Jim Bridenstine (R-OK), Paul Broun (R-GA), John Campbell (R-CA), Jeff Duncan (R-SC), John Duncan (R-TN), Trent Franks (R-AZ), Scott Garrett (R-NJ), Andy Harris (R-MD), Jeb Hensarling (R-TX), Tim Huelskamp (R-KS), Walter Jones (R-NC), Doug Lamborn (R-CO), James Lankford (R-OK), Billy Long (R-MO), Frank Lucas (R-OK), Kenny Marchant (R-TX), Thomas Massie (R-KY), Tom McClintock (R-CA), Mark Meadows (R-NC), John Mica (R-FL), Alan Nunnelee (R-MS), Pete Olson (R-TX), Mike Pompeo (R-KS), Austin Scott (R-GA), Bill Shuster (R-PA), Steve Stockman (R-TX), Marlin Stutzman (R-IN), Randy Weber (R-TX), and Ted Yoho (R-FL).

During the lame duck session, the museum was slipped into a lands package that was then attached to the must-pass National Defense Authorization Act and ultimately cleared the Senate. The lands package began with the intention of conveying some land to a few military bases in need of expansion. Negotiated behind closed doors in the House Natural Resources Committee, the package grew to include conveyances unnecessary for the purpose of national defense. Because of this package, Sen. Tom Coburn (OK) placed a hold on the bill and only removed his hold when Leader Reid agreed to have a vote on an amendment to strip the package.

The amendment ultimately failed, but it garnered 18 Republican votes: Roy Blunt (MO), John Boozman (AR), Saxby Chambliss (GA), Dan Coats (IN), Tom Coburn (OK), Bob Corker (TN), Ted Cruz (TX), Chuck Grassley (IA), Ron Johnson (WI), Mike Lee (UT), Mitch McConnell (KY), Jerry Moran (KS), Rand Paul (KY), Marco Rubio (FL), Tim Scott (SC), Jeff Sessions (AL), John Thune (SD), and David Vitter (LA).

Immigration

Since the Gang of Eight bill passed the Senate in 2013, conservatives have been fighting establishment Republicans as much as Democrats on the issue. In January, the House Republican leadership released a set of “immigration principles,” which included a path to legal status for illegal aliens. These principles met a largely negative reception from the rank-and-file Republicans and grassroots conservatives.

Around this time, Eagle Forum released a report, “**How Mass (Legal) Immigration Dooms a Conservative Republican Party**,” to rebut claims that Republicans would surge in popularity among Hispanics by supporting amnesty. The report is a compilation of surveys, polling, and research data

concluding that the majority of immigrants prefer a larger government with more services. The report was released in enough time for Eagle Forum staff to give to almost 30 strong conservative House Republicans before their closed-door House Republican retreat. It was reported back that Eagle Forum's report was a useful point of discussion during the immigration talks at the meeting. Since then, 5,000 copies of the report have been printed and distributed at conservative conferences, with a special mailing project to Republican party officials at the federal, state, and local levels.

The next big fight over immigration also occurred between House Republicans. Rep. Jeff Denham (R-CA) sponsored the ENLIST Act, which offered amnesty to illegal immigrants who joined the military. Denham sought to attach the act to the NDAA and secured a promise of support from then-House Majority Leader Eric Cantor (R-VA). After clear opposition from grassroots activists, the NDAA emerged from the Armed Services Committee without including amnesty.

Cantor's openness to amnesty helped end his congressional career, as the issue drove Rep. Dave Brat's (R-VA) upset victory over the majority leader in the primary. Furthermore, the summer surge of illegal border crossings by Central Americans highlighted the consequences of President Obama's non-enforcement policies. These events strengthened the position of amnesty opponents. Immediately before the August recess, House leaders offered weak bills responding to the border crisis and executive branch lawlessness. On the day of the vote, conservatives rebelled and House leaders put forward improved measures that passed the chamber.

President Obama refused to listen; instead, he continued to embrace amnesty and non-enforcement. Over the summer, he repeatedly threatened unilateral action unless Republicans caved. After delays that were intended to help Democrats in tough midterm races, President Obama issued an executive amnesty following the November elections. His orders will shield up to five million illegals from deportation, instead granting them Social Security numbers and work permits.

Against these lawless acts, Republican leaders offered tough sound bites but failed to use Congress's strongest tool against the executive branch, the power of the purse. Many House Republicans objected to the \$1.1 trillion "CRomnibus" bill in the lame-duck session because it lacked language to defund amnesty. Instead of addressing their concerns, Speaker Boehner and his team allied with the Obama administration to whip enough Democratic votes for passage. Sixteen Republicans opposed the rule for the omnibus, which meant opposing leadership on what is almost always a party-line vote; after several hours of whipping, sixty-seven Republicans said no in the final vote.

The following Republicans voted no on the CRomnibus, with those who also voted against the rule in bold: **Justin Amash (MI), Michele Bachmann (MN)**, Joe Barton (TX), Kerry Bentivolio (MI), Marsha Blackburn (TN), **Dave Brat (VA)**, Jim Bridenstine (OK), **Mo Brooks (AL), Paul Broun (GA)**, Michael Burgess (TX), Curt Clawson (FL), Mike Conaway (TX), Tom Cotton (AR) Rick Crawford (AR), Ron DeSantis (FL), Scott DesJarlais (TN), Jeff Duncan (SC), John Duncan, Jr. (TN), Blake Farenthold (TX), John Fleming (LA), Bill Flores (TX), Trent Franks (AZ), Scott Garrett (NJ), **Louie Gohmert (TX), Paul Gosar (AZ)**, Trey Gowdy (SC), Morgan Griffith (VA), **Tim Huelskamp (KS)**, Robert Hurt (VA), Sam Johnson (TX), **Walter Jones (NC), Jim Jordan (OH), Steve King (IA), Raul Labrador (ID)**, Doug LaMalfa (CA), Doug Lamborn (CO), James Lankford (OK), Cynthia Lummis (WY), Kenny Marchant (TX), **Thomas Massie (KY)**, Vance McAllister (LA), Tom McClintock (CA), David McKinley (WV), Mark Meadows (NC), Jeff Miller (FL), Mick Mulvaney (SC), Randy Neugebauer (TX), Pete Olson (TX), Scott Perry (PA), Ted Poe (TX), Mike Pompeo (KS), **Bill Posey (FL)**, Tom Rice (SC), Mike Rogers (AL), Dana Rohrabacher (CA), **Matt Salmon (AZ)**, Mark

Sanford (SC), David Schweikert (AZ), Austin Scott (GA), Jim Sensenbrenner (WI), Chris Smith (NJ), Lamar Smith (TX), Marlin Stutzman (IN), Randy Weber (TX), Daniel Webster (FL), Roger Williams (TX), and Rob Wittman (VA).

In the Senate, Sens. Ted Cruz (R-TX) and Mike Lee (R-UT) raised a constitutional point of order on the DHS portion of the bill in order to highlight the amnesty's unconstitutionality. When Sen. Reid used their objection to keep the Senate in session on a Saturday and began processing nominations, other Republicans and the media blamed Cruz and Lee. However, Reid had already put these nominations on the calendar and had made several statements highlighting his intent to keep the Senate in session until they processed them all. The spending package passed easily with twenty Republicans joining all Democrats in rejecting the point of order.

The following Republicans voted against the point of order: Lamar Alexander (TN), Kelly Ayotte (NH), John Barrasso (WY), Dan Coats (IN), Thad Cochran (MS), Susan Collins (ME), Bob Corker (TN), John Cornyn (TX), Mike Enzi (WY), Jeff Flake (AZ), Lindsey Graham (SC), Orrin Hatch (UT), Dean Heller (NV), Ron Johnson (WI), Mark Kirk (IL), John McCain (AZ), Mitch McConnell (KY), Lisa Murkowski (AK), Pat Toomey (R-PA), and Roger Wicker (MS).

The following Republicans voted for the omnibus: Lamar Alexander (TN), Kelly Ayotte (NH), John Barrasso (WY), Roy Blunt (MO), John Boozman (AR), Richard Burr (NC), Dan Coats (IN), Thad Cochran (MS), Susan Collins (ME), John Cornyn (TX), Mike Enzi (WY), Deb Fischer (NE), Lindsey Graham (SC), Orrin Hatch (UT), John Hoeven (ND), Johnny Isakson (GA), Mike Johanns (NE), Mark Kirk (IL), Mitch McConnell (KY), Lisa Murkowski (AK), Pat Roberts (KS), John Thune (SD), Pat Toomey (R-PA), and Roger Wicker (MS).

Spending

Regular order in the budget process requires twelve separate appropriations bills that fund particular functions of the government. Instead of going through this process, Congress in recent years has instead budgeted by continuing resolution, which expends spending at the same rate, or omnibus appropriations bills, which put together most or all of the separate appropriations bills into one massive spending package.

This approach denies members the opportunity to deliberate and carefully judge spending and frequently serves as a vehicle for ramming through obscure or controversial provisions. The 113th Congress passed two omnibus packages — the first funding the government through 2014, and the second funding all of the government, except the Department of Homeland Security (DHS) through September of 2015. The second omnibus also denies the new Republican majority authority over most spending until fiscal year 2016 begins on Oct. 1, 2015.

Life

Rep. Chris Smith (R-NJ) and Rep. Dan Lipinski (D-IL) re-introduced the bipartisan **No Taxpayer Funding for Abortion Act (H.R.7)** in the House, while Senator Roger Wicker (R-MS) introduced the same bill (**S.946**) in the Senate. This bill would put an end to taxpayer funding of abortion by codifying the longstanding Hyde Amendment and applying it to all government spending. Although it never came up for a vote in the Senate, the House passed H.R. 7 by a vote of 227 to 188. All Republicans present voted

for the bill, as did the following Democrats: Henry Cuellar (TX), Dan Lipinski (IL), Jim Matheson (UT), Mike McIntyre (NC), Collin Peterson (MN), and Nick Rahall (WV).

In the Senate, Sen. Lindsey Graham (R-SC) sponsored a bill (**S. 1670, Pain Capable Unborn Child Protection Act**) banning abortions after twenty weeks, at which stage science has shown that unborn babies can feel pain. Most of the GOP conference signed on as cosponsors. As a response, Sen. Richard Blumenthal (D-CT) offered the deceptively named “**Women’s Health Protection Act**” (**S.1696**), which would nullify almost all state pro-life regulations. Sen. Blumenthal’s bill was the subject of a committee hearing, but neither bill came up for a vote.

Nominations

After the “nuclear option” killed the filibuster for most presidential nominees last year, President Obama has enjoyed great deference from the Senate in filling executive and judicial nominees. Eagle Forum scored votes on two radical judicial nominees, Michelle Friedland to the U.S. Ninth Circuit Court of Appeals and David Barron to the First Circuit. In both instances, they would have failed if the cloture vote still required sixty votes; because they enjoyed near-unanimous Democratic support, however, they passed over near-unanimous Republican opposition. Unfortunately, this was a trend post nuclear option. The Senate confirmed 88 judicial nominees this year, the highest total since the Clinton administration.

In a few instances, President Obama’s nominee proved to be so polarizing or unqualified that even Democrats objected. Most notably, seven Democrats joined every Republican to reject Debo Adebile, the nominee for assistant attorney general for civil rights: Bob Casey (PA), Chris Coons (DE), Joe Donnelly (IN), Heidi Heitkamp (ND), Joe Manchin (WV), Mark Pryor (AR), and John Walsh (MT).

The incoming Republican majority faces the matter of whether to restore the filibuster for presidential nominees. Senate institutionalists argue that reinstating the filibuster would be an important step toward restoring the traditions that have been eroded under Sen. Reid’s control. Many others question the place of the nomination filibuster in Senate tradition and believe that Democrats would lower the 60-vote threshold again when they are returned to power anyway. The Republican conference has not yet officially decided this issue.

United Nations Treaties

In the summer, supporters of the **UN Convention on the Rights of Persons with Disabilities (CRPD)** made a renewed push for ratification. The treaty last came up during the 2012 lame-duck session, where it failed to receive the two-thirds vote necessary for ratification. When the Senate Foreign Relations Committee again looked at the treaty, it denied attempts by Republican opponents to add reservations. The committee approved the treaty by a vote of 12-6 on July 22nd, with GOP Sens. John McCain and John Barrasso joining all Democrats in voting yes. Although another lame-duck vote on the CRPD seemed likely, the treaty never went to a vote before the full Senate in this Congress.