

Week ending 07/09/2017 - PA-08 MoCTrack Report

Tracking Congress in the Age of Trump - 07/09/17

The lower the number, the more the legislator is in opposition to the Trump agenda.

Senator Bob Casey - **27.9%** (no change from last week)

Representative Brian Fitzpatrick - **81.1%** (no change from last week)

Senator Pat Toomey - **97.4%** (no change from last week)

The Congress was on recess this past week, so no votes were taken, leaving the numbers unchanged.

MoC Twitter Action

Senator Bob Casey hot topics:

The BRCA/AHCA - Senator Casey kept to a single topic on his twitter feed this week. Each day he focused on different aspects of the BRCA/AHCA and Medicaid cuts, including the effects on nursing care, people with disabilities, the opioid epidemic, children with autism and rural communities. (22 tweets)

Representative Brian Fitzpatrick hot topics:

Water Safety - It was a very quiet week for Representative Fitzpatrick on Twitter. He added amendments to a military spending bill related to the PFOA water contamination by military base usage of firefighting foams. These amendments related to compensation for well filtration and additional research. (2 tweets)

Senator Pat Toomey hot topics:

1) Town Halls - The Senator held a televised town hall event on ABC 27 from Harrisburg, which included station-selected participants. Most of the questions revolved around healthcare. (3 tweets)

2) BRCA/AHCA - He continues to post myth/fact images related to the health care draft, insisting that Medicaid spending will not be cut. (3 tweets)

3) Tax reform - He participated in an interview where he discussed why we need tax reform now. (1 tweet)

Votes/Legislation of Interest

With both houses on recess, there were no votes taken, nor bills introduced last week. These brief lulls in the action give us a chance to sit back and try to make some sense of what we have seen in the past few months.

As a first term congressperson, we know very little about Brian Fitzpatrick's positions on a plethora of issues. Unlike most MoCs, he does not keep a listing of position statements on his website. He does have a website subheading called "Issues", but it is a collection of his press releases broken down by topic. It only contains content on topics that he has wanted to promote. You can't, for example, find anything about women's reproductive freedom or fracking on his site (disclaimer - I can't say I read every word of the site, but I have spent quite a bit of time looking and found nothing.) Mr. Fitzpatrick refused to complete the 2016 Political Courage Test sent to all candidates for Congress from VoteSmart.org, which asks straightforward questions on a number of controversial topics, and has done so for every election since 1992. We might have been able to ask Mr. Fitzpatrick about his positions on such issues at a live, unfiltered town hall... but no doubt you know he will not participate in live interactions with constituents except via teleconference, and then only after his staffers have screened the calls and provided talking-point suggestions for his responses.

That leaves us with Mr. Fitzpatrick's voting record. We are, of course, limited only to topics selected by the Speaker of the House, since we would only see votes on items that are a part of the majority party's legislative agenda. Now that the 115th Congress has been in session for six months, we have just enough data to begin drawing some conclusions.

My initial assessment is this: **Representative Fitzpatrick supports limiting the rights of individuals in favor of protecting business interests.** His votes on three bills show this same bias in favor of corporations, and against individual consumers.

H.R. 985 - Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act of 2017

<https://www.govtrack.us/congress/bills/115/hr985/text>

This bill passed the House on 03/09/17. At that time I wrote: "It has passed the House (220-201) and is heading into the Senate. All the Democrats and 14 Republicans voted against this bill, but **Brian Fitzpatrick voted YES**. This bill is bad news for common people and brilliant news for corporations. The quickest way I can explain it is that it makes it very hard for individuals to band together and create a class, to file a class action lawsuit against big companies. Judges have to certify classes, and this would tighten up the rules for doing so. This bill literally benefits no one except big companies who would much rather deal with individuals, as opposed to more powerful united groups of people."

To explain it further, this bill would create limits for judges when they are certifying "classes" in class action lawsuits. It states explicitly that to form a class, litigants must suffer damages of "the same type and scope." This may not sound bad, but when I show how it would be put into practice, you can see how damaging it will be. Several months ago, a certain very large bank was caught in a scheme where they were defrauding customers by opening multiple accounts (checking, savings and credit cards) without the knowledge of customers, and then charging them fees on these accounts that the customer didn't know existed. Some people lost hundreds and even thousands of dollars. Even though this one bank, using the same process, defrauded a group of customers, they could be denied "class" status under the new law, because they suffered damages of a different "type" (because some had credit cards accounts opened, and some had checking accounts opened) and they had damages of a different "scope" (some lost hundreds of dollars, and some lost thousands). When you keep in mind that individuals rarely succeed in court against companies with deep pockets, and class action suits are often the only way of coming close to evening the playing field, the end result of this bill would be strongly pro-corporate, and anti-individual.

H.R. 1215 - Protecting Access to Care Act of 2017

<https://www.govtrack.us/congress/bills/115/hr1215/text>

This bill passed the House on 07/02/17. In last week's MoCTrack report I noted: "Significantly, 19 Republicans voted against this bill, including PA's own Rep. Meehan (PA-07) and Rep. Costello (PA-06). This bill passed 218-210, and **Rep. Brian Fitzpatrick voted YES**."

From the title of the bill, you might not assume a pro-corporate bias... but that's just the way legislation is named. The crux of this bill is that it limits the damages that can be collected by individuals who sue for medical malpractice, if they get their health insurance through the federal government, via Medicare, Medicaid or the ACA Marketplaces. If it passes, that means that amongst the pile of insurance paperwork that those users sign (and how often do we read them all the way through?) there will likely be one where a consumer acknowledges that they will not be able to collect more than \$250,000 in non-medical damages if they win a medical malpractice lawsuit. The bill goes on to say that "The jury shall not be informed about the maximum award for noneconomic damages." Mr. Fitzpatrick's vote on this bill shows that he is willing to significantly curtail the ability of individuals to collect damages, in favor of limiting the liability of hospitals and medical device manufacturers.

H.R. 10 - Financial Choice Act of 2017

<https://www.govtrack.us/congress/bills/115/hr10/text>

This bill passed the House on 06/08/17, with a 233-186 vote that was almost entirely party line (one republican voted against it). **Brian Fitzpatrick voted YES**. This bill received a lot of press coverage, but to recap... it removes many of the protections from the Dodd-Frank legislation that keep us from experiencing another financial collapse like that of 2007-2008. It moves the funding for the Consumer Financial Protection Bureau (which had been made independent of Congress to keep it safe from party politics) back under the power of Congress, who can basically defund it at will, thus limiting its ability to function without actually abolishing it. Instead of acknowledging that this bill will remove the protections afforded by the CFPB, in the June tele-town hall, Mr. Fitzpatrick lumped it in with other "job killing over-regulation." This certainly shows a bias towards the desires of the financial industry, despite the negative effects it will have on his individual constituents.

I believe that these three bills clearly show Mr. Fitzpatrick's tendency to favor business interests above those of "the little people." I will continue to monitor his voting record to see if additional future votes betray this same tendency, or if he moves in a different direction.