

## Week ending 07/30/2017 - PA-08 MoCTrack Report

### Tracking Congress in the Age of Trump - 07/30/17

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

Senator Bob Casey - **26.1%** (-1.8% from last week)

Representative Brian Fitzpatrick - **80.0%** (+1.1% from last week)

Senator Pat Toomey - **95.6%** (+0.4% from last week)

Our Senators' numbers shifted due to the multiple votes on the health care bill variations. Mr. Fitzpatrick shifted in the direction of the President due to his support for negating a progressive new rule imposed by the Consumer Financial Protection Bureau and his vote for the Defense Appropriation bill. For more detail, see the Votes of Interest section and the special coverage of the full Senate health care proceedings.

### MoC Twitter Action

Senator Bob Casey hot topics:

- 1) The BRCA/AHCA votes - The Senator live tweeted most of the events of the epic voting session. Instead of trying to recap, I would like to share two of his tweets. On Thursday, when Senator McConnell released the bill that would be voted on a mere 15 hours later, Mr. Casey tweeted "Can't make it up. It's called "health care freedom act." It frees people to be sick without insurance." Shortly thereafter, he found a blank page in his copy of the bill. He tweeted out a picture of that blank page with the comment "I found the page where this scheme provides "insurance for everybody" and ensures "no one will be worse off financially." (134 tweets)
- 2) Pizza! - Apparently the Senator bought and delivered pizza to health care demonstrators on Monday. A number of people tweeted pictures of him doing so, and he retweeted them. (4 tweets)
- 3) Workplace diversity - The senator gave a speech at an event promoting workplace diversity, and he retweeted several thanks from attendees. (2 tweets)

Representative Brian Fitzpatrick hot topics:

- 1) Homeland Security - The HS Committee passed out of committee bills on cybersecurity and first responder support. (3 tweets)
- 2) Foreign Affairs - The Representative tweeted out a grab-bag of foreign affairs topics, from supporting the recent sanctions package, to dealing with southern border security, to working with the Ukrainian Caucus. (3 tweets)
- 3) Water safety - He celebrated the inclusion of measures to deal with the PFOA/fire fighting foam contamination in the Defense Appropriations bill. (1 tweet)

Senator Pat Toomey hot topics:

- 1) The BRCA/AHCA - the Senator issued a statement after Senator McCain's dramatic return and the vote to commence debate, and then his disappointment after the voting on Thursday that failed to pass any repeal. He still supports 'repeal and replace'. (2 tweets)
- 2) North Korea - he has worked with a Democrat Senator on the BRINK Act, and after the North Korea ICBM tests, he urges its passage. (2 tweets)
- 3) Jeff Sessions - He tweeted out a message of support for Attorney General Jeff Sessions... without ever mentioning President Trump, or the reasons why such a supportive message was needed. (1 tweet)

### Update on H. Res. 456 - Objecting to the conduct of the President of the United States

<https://www.govtrack.us/congress/bills/115/hres456/text>

This is the amazing, fabulous, magnificent (insert your own superlative) resolution introduced last week by Representative Steve Cohen of Tennessee. It is a full rundown of all the things that President Trump has done that fuels the Indivisible movement! It covers Trump's emoluments clause violations, his embracing of dictators and despots while insulting our democratically elected allies, his security violations, his attacks on the media and the judiciary, his actions in the Flynn/Comey debacle, his handling of the travel ban... and more. The resolution ends with a statement of no confidence, and a raft of actions the President should take, including (but not limited to) divesting himself of his business

interests, releasing his taxes, and admitting that the Russians meddled in the 2016 election. It is monumental in that this is the first time that all of these violations and abuses have made their way into the Congressional register. Seriously... GO READ IT!

Anyway, since last week, it has added 2 new co-sponsors, bringing the current total to 30. This resolution is not going away. Consider using it as a tool to make Representative Fitzpatrick stop pretending that President Trump doesn't exist - ask Mr. Fitzpatrick where he stands on H. Res. 456; ask why the House of Representative is not fulfilling their Constitutional duty under the emoluments clause to oversee the President's financial interactions with foreign powers; ask why he has made public his own commitment to civility but has nothing to say about the lack of that quality coming out of the White House. This resolution is our tool to force Representative Fitzpatrick to break his silence on all things Trump. And if he still stays silent in the face of these requests, then we know - Fitzpatrick's silence speaks volumes about his support for the President and the violation of democratic norms.

### **Votes of Interest**

#### **H.J. Res. 111 - Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Arbitration Agreements"**

<https://www.govtrack.us/congress/bills/115/hjres111/text>

This bill was introduced by Rep. Keith Rothfus (R-PA) and it has 34 co-sponsors, all Republican. A number of business force consumers to sign onto arbitration agreements when they sign paperwork to do business. This forbids people from suing the business, and makes them enter arbitration instead. Many times the corporation will even get to choose the arbitrator, who is often industry-favorable. This kind of legal maneuver keeps aggrieved groups of consumers from filing class action lawsuits, where they have an increased chance of success. Earlier in July the Consumer Financial Protection Bureau introduced a new regulation that would disallow forcing consumers into arbitration, but instead would allow the consumer to choose if they want to pursue arbitration or a lawsuit. This House vote is negating that regulation change. The vote was almost exactly party line (with one Republican voting against it). It passed 230-190 and **Representative Fitzpatrick voted YES.**

#### **H.R. 3219 - Department of Defense Appropriations Act, 2018**

<https://www.govtrack.us/congress/bills/115/hr3219>

This is the 2018 Defense Appropriations Bill, it directs how money will be spent on Defense. I will admit that it is quite long, and I am relying on the Library of Congress summary to provide the details: "The bill increases total funding for DOD compared to FY2017 levels and provides additional Overseas Contingency Operations (OCO)/ Global War on Terrorism funding for many accounts. OCO funding is not subject to discretionary spending limits and other budget enforcement procedures. The bill contains provisions that prohibit or restrict funds from being used to close the Guantanamo Bay, Cuba detention facility; transfer the detainees to other countries; or construct or modify facilities for the purpose of housing the detainees. It also repeals the Authorization for Use of Military Force that was enacted following the terrorist attacks on September 11, 2001." The repeal of the AUMF from after 9/11 is good news. It means that the president would actually need to get the Congress to approve war actions in another country, and can't keep using the 9/11 authorization for committing troops to war. But the increase in military spending is considered unnecessary by many authorities, and the Guantanamo-related prohibitions are disturbing from a human rights perspective. The bill passed 235-192 and next moves to the Senate. **Representative Fitzpatrick voted YES.**

#### **H.R. 3364 - Countering America's Adversaries Through Sanctions Act**

<https://www.govtrack.us/congress/bills/115/hr3364>

This is the package of sanctions against Russia, North Korea and Iran. It is notable in how comparatively tough the Russian actions are, and how this counters the preferred foreign policy of the President. It also limits the President's ability to reduce or adjust any of the sanctions without Congressional approval - the legislative branch is (finally?) asserting its power over this executive. It passed the House on 07/25/17, in

a vote of 419-3, with **Representative Fitzpatrick voting YES**. It quickly moved on to the Senate (who had taken up a similar bill previously, but this is the House amended version), where on 07/27/17 it passed 98-2, with **Senator Casey voting YES and Senator Toomey voting YES**.

### **Legislation of Interest**

There was very little new legislation introduced in Congress this week, and none of it directly affected resisting the Trump agenda. Instead, let's devote the space normally reserved for new bills to a full recap of the Senate's health care action of the previous week. A lot more went down than the few dramatic moments covered by the news. A total of **12** votes were held, and they touched upon women's reproductive freedom, people with disabilities and universal health coverage. See below for a full recap.

### **HEALTH CARE in the Senate - all the votes from the previous week**

Vote #1 - Tuesday, The motion to proceed on debate of H.R. 1628

This vote was taken on whether or not the Senate should even proceed to debate health care. It was the dramatic vote that got heavy coverage in the news, with Senator McCain's post-surgery/post-diagnosis return to the Senate floor, and Vice President Pence's tie breaking vote. The Senate voted 51-50 to proceed with debate on health care. **Senator Casey voted NO, Senator Toomey voted YES.**

Vote #2 - Tuesday night, On the Motion (Motion to Waive All Applicable Budgetary Discipline Re: Amdt. No. 270)

This was the first "repeal and replace" vote. Under consideration was the Senate's Better Care Reconciliation Act (the one that was compiled in secret by the 13 male Senators, including our own Sen. Toomey) with an amendment added by Senator Ted Cruz that would have permitted insurance companies to offer stripped down plans as long as one plan in the state met the ACA mandatory coverage minimums. The Senate voted 57-43 against this package - **Senator Casey voted NO, Senator Toomey voted YES.**

Vote #3 - Wednesday, S.Amdt. 271 (Paul) to H.R. 1628: Of a perfecting nature

This was the "repeal only" option, offered by Senator Rand Paul. The amendment was a virtual copy of one of the ACA repeal offerings from the previous congress, in 2015. The Senate voted 55-45 against this option - **Senator Casey voted NO, Senator Toomey voted YES.**

Vote #4 - Wednesday, On the Motion (Donnelly Motion to Commit H.R. 1628 with Instructions)

GovTrack describes this vote as one that would "remove provisions of the American Health Care Act that would cut Medicaid, prevent Medicaid expansion, or shift costs to states." This was a motion by Democrats, to get the bill back into committee so that bipartisan negotiations could proceed. The Senate voted 52-48 against this option - **Senator Casey voted YES, Senator Toomey voted NO.**

Vote #5 - Wednesday, On the Motion (Casey Motion to Commit H.R. 1628 with Instructions)

This was a Democratic motion, made by our own Senator Casey, and it had a similar goal to the previous vote. Senator Casey's option was to strip the AHCA of the portions that would have reduced Medicaid coverage for people with disabilities. If it passed, this would have sent the bill back to committee for bipartisan negotiations. The Senate voted 51-48 against this option (the difference from the last vote was that Sen. Johnson R-WI did not vote) - **Senator Casey voted YES, Senator Toomey voted NO.** For you who are keeping track, this is the only time they voted together this week.

Vote #6 - Wednesday night, On the Motion (Motion to Waive All Applicable Budgetary Discipline Re: Heller Amdt. No. 288)

This is a deeply wonky one. Senator Heller (R-AZ) offered up the equivalent of a resolution, it would have "expressed the sense of the Senate that Medicaid benefits should not be cut but that the Affordable Care Act should be repealed and replaced." There were procedural problems with this one, as it violated the Byrd rule. The Senate voted against this motion 90-10 - **Senator Casey voted NO, Senator Toomey voted NO.** (aside, the only time they voted together this week)

Vote #7 - Thursday, S.Amdt. 340 (Daines) to H.R. 1628: To provide for comprehensive health insurance coverage for all United States residents, improved health care delivery, and for other purposes. Senator Daines (R-MT) placed this amendment on the floor to try and get the Democrats on record for being in favor of a single payer health care system. It failed, 57-0, with many of the Democrats voting "present." Govtrack notes "Present effectively equals "nay", but also technically allows senators to claim that they did not vote against a single payer proposal." **Senator Casey voted PRESENT, Senator Toomey voted NO.**

Vote #8 - Thursday, Motion to Waive All Applicable Budgetary Discipline Re: Strange Amdt. No. 389 This is a super tricky piece of work. It was an amendment that would have routed funding for the AHCA through CHIP (childhood insurance), which would have meant that the anti-abortion Hyde Amendment would have applied to it, without the actual AHCA bill having to make any mention of defunding Planned Parenthood. Since it has no bearing on the budget, it would have needed 60 votes to pass. It failed, with a 50-50 Senate vote - **Senator Casey voted YES, Senator Toomey voted NO.**

Vote #9 - Thursday night, On the Motion (Schumer Motion to Commit H.R. 1628 with Instructions) Throughout this entire process, there have been several Republicans who have stated explicitly that they want the Senate to return to "regular order," with bills being developed in a bipartisan manner, with hearings, everything the Senate normally does (when Senator McConnell isn't in charge). This motion was Minority Leader Schumer's attempt to restore regular order, by offering to return the health care bill to the Finance Committee, so that normal process could proceed. The Senate voted 57-43 against this option - **Senator Casey voted YES, Senator Toomey voted NO.**

Vote #10 - Thursday night, S.Amdt. 502 (Heller) to H.R. 1628: To strike the sunset of the repeal of the tax on employee health insurance premiums and health plan benefits This is an amendment to the AHCA that would have left the so-called "Cadillac Tax" that is placed on expensive employee provided health insurance in place. The Washington Examiner pointed out how peculiar this maneuver was, noting that it was "the GOP working to help unions while the Democrats are fighting this repeal as they are every other part of the repeal on the ACA." This amendment passed 52-48. While it appears to be a party line vote, it was not. Two Republicans voted against it (Sasse of NE, Corker of TN) and two Democrats voted for it (Cortez Masto of NV and Heinrich of NM). **Senator Casey voted NO, Senator Toomey voted YES.**

Vote #11 - early Friday morning, On the Motion (Murray Motion to Commit H.R. 1628 to the Committee on Health, Education, Labor and Pensions, with Instructions) This was another Democratic delaying motion. Senator Murray wanted to have the bill go back to the HELP committee (where Senator Casey is a member) for at least three days of bipartisan negotiation. The Senate voted against this in a party line vote, 52-48 - **Senator Casey voted YES, Senator Toomey voted NO.**

Vote #12 - Friday, S.Amdt. 667 (McConnell) to H.R. 1628: Of a perfecting nature This is the "skinny repeal" introduced by Senate Leader McConnell. It would have eliminated the individual and employer mandates as well as defunding Planned Parenthood. The text of the bill was given to the Senators a mere 15 hours before the vote, which inflamed tensions. There was quite a bit of discussion about some members of the Senate not wanting this legislation to go into effect, but considering passing it anyway... but only if the House committed to a conference, and vowed to not vote the skinny repeal into law. Such assurances were not forthcoming from the House. The Senate voted against this, 51-49, in the dramatic McCain moment covered by all the news outlets. **Senator Casey voted NO, Senator Toomey voted YES.**

This is not the end of health care wrangling, but hopefully it does mark the start of the Congress working to fix the existing ACA, instead of scrapping it. **Here is what our Senators had to say on Friday (07/28/17) about the events of the past week.**

"The Senate Republican health care plan was a terrible bill for the middle class and that's why it was rejected on a bipartisan basis. It's now time for Democrats and Republicans to work together on common sense solutions that will make our health care system more affordable and bring down costs for families. I commend Senators McCain, Collins and Murkowski for their courageous votes." - Sen. Bob Casey

"I am disappointed with this setback on efforts to fix our broken health care system. For the hundreds of thousands of Pennsylvanians suffering from the higher costs and fewer choices caused by Obamacare's collapse, Congress must not give up on repealing and replacing the failed health care law." - Sen. Pat Toomey

If you are interested in following all of the voting action in Congress there are a number of phone apps that come in handy. One of our fearless leaders, Connie Gruen, recommends the Countable app. It is available for both Apple and Android phones. You can sign up at [Countable.us](http://Countable.us) to get instant notification when our legislators vote, as well as details on each measure, pros and cons, status, and links to take action.

For those of you who are more computer versus phone oriented, I recommend [Govtrack.us](http://Govtrack.us) - the website enables you to add individual bills that interest you to a docket, so you can easily see the status of all your items in one place. They can also provide daily or weekly digest emails (your choice) to track the action of any legislator, committee, bill or vote. If not for Govtrack, I would not be able to compile this report.