

## Week ending 08/06/2017 - PA-08 MoCTrack Report

### Tracking Congress in the Age of Trump - 08/06/17

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

Senator Bob Casey - **27.1%** (+1.0% from last week)

Representative Brian Fitzpatrick - **78.0%** (-2.0% from last week)

Senator Pat Toomey - **93.6%** (-2.60% from last week)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index assessment. The votes they considered recently are the confirmation of FBI Director Christopher Wray, the sanctions package in both houses, and the "skinny repeal" in the Senate.

### MoC Twitter Action

#### Senator Bob Casey hot topics:

With healthcare off of the Senate calendar and the recess having begun, Senator Casey drastically cut back his Twitter presence, dropping from making 80-120 tweets a week to a mere dozen. He divided most of his attention between a 07/31/17 opioid crisis-related event and the Democrats announcement of the Better Deal policy plan.

Casey tweet of the week: 08/04/17 "@BetsyDevosED is considering undoing the progress we have made to tackle campus sexual assault. I will oppose her efforts at every turn." (accompanied by NY Times article)

#### Representative Brian Fitzpatrick hot topics:

The Representative did not write very many of his own tweets this week, instead choosing to retweet the output of some of his colleagues. The topic that received the most attention from his was the Senate passage of the Right to Try Act, a version of which he sponsored in the House.

Fitzpatrick tweet of the week: 08/03/17 RT of Rep. Andy Biggs of AZ "Senate passed #RightToTry. Thanks @SenRonJohnson for working tirelessly to give hope to terminally ill patients"

#### Senator Pat Toomey hot topics:

The Senator also touched upon the passage of the Right to Try Act. He also reiterated his belief that we need to end sanctuary city policies. But the topic he tweeted about the most was North Korea, the dangers it represents and the bill he has introduced to address the issue.

Toomey tweet of the week: 08/04/17 "Working w/@ChrisVanHollen to give foreign banks a choice: do business w/the U.S., or w/ North Korea. Not Both."

### Fitzpatrick in the News

This is a new section I am trying out at the recommendation of my fellow MoCTracker Lucy Oblansky in Rep. Meehan's PA-07 district. I would appreciate feedback if you think it is useful. And, if there are any of you out there who might be interested in helping out with providing news coverage tracking for either of our Senators, please do not hesitate to either comment (if you get this report via Facebook) or reply (if you get this via email) so that we can discuss what this entails.

#### Topic One: The Problem Solvers Caucus attempts an ACA fix

Both the Intelligencer and the Courier covered the efforts of a bipartisan group called the Problem Solvers, which includes Rep. Fitzpatrick as well as other area Congresspeople (Boyle of PA-13, Meehan of PA-07), to draft legislation designed to address some of the problems with the ACA program. There are some references in papers outside our immediate area - like the Reading Eagle - where Rep. Fitzpatrick was mentioned in passing as coverage focused on their area's Representatives. In an

interview in the 08/06/17 Courier, Rep. Fitzpatrick said "We all need a health care system that works. We're all going to get old, we're all going to get sick and we're all going to get injured. We need a health care system that's low-cost, high-quality and has expanded access." The coverage was generally supportive of his attempts at achieving bipartisan cooperation.

### **Topic Two: The Right-to-Try Act passes the Senate**

Mr. Fitzpatrick received a small amount of national attention via Politico. Earlier this week the Senate unanimously passed a bill (S. 204) that allows terminally ill patients to volunteer to try experimental treatments and drugs that are being researched but have not yet received FDA approval. Congressman Fitzpatrick is the sponsor of the companion bill (H.R. 2368) that is still in committee in the House. He was only mentioned in passing in the article, but we can expect more press attention to his advocacy after recess, once the Senate's bill starts moving through the House.

### **Topic Three: Water contamination and the Department of Defense**

The Intelligencer, Courier and CBS 1060 in Philadelphia covered the issue of firefighting foam used on military bases that have leached dangerous contaminants into local water supplies. Representative Fitzpatrick and several other area Congresspeople have pushed for the Department of Defense to increase spending in research and remediation. They had text to this effect added to the recent Defense Appropriations bill. The coverage of the work was complimentary, but CBS chose a quote that did not highlight the Representative's ability to skillfully convey content. CBS quotes Rep. Fitzpatrick discussing the legislative process for dealing with the issue, "They passed the house, some through voice vote something which they call suspension and others went up for a vote and now that they have been passed by the house they're heading to the Senate for consideration."

### **Town Hall ALERT!**

On Friday afternoon, Senator Casey released a statement about a series of events he is planning for the next month. "As I embark on state travel throughout the month of August, I look forward to meeting with constituents and hearing firsthand the successes and challenges happening in communities throughout our great Commonwealth. This August, I will be crisscrossing Pennsylvania visiting senior centers, growing businesses, American Legion posts, county fairs, union halls, towns confronting the opioid crisis, local farms and perhaps a couple of breweries along the way – all to listen to the stories of Pennsylvanians and further enrich my knowledge and inform the decisions I make in Washington as we head into the Fall. I look forward to meeting many of you and seeing the great, diverse communities of Pennsylvania."

This statement was accompanied by a map of PA, and there are stops planned in Bucks and Montgomery counties. However, when I called into Sen. Casey's Philadelphia office, they did not have specifics yet on our area visits (in their defense, it was about 4:00 PM on Friday, and the email had only been released moments prior). I will hopefully have specifics on the area visits by next week's report. And if you'd like to see the map of his road trip for yourself, please visit

<https://www.google.com/maps/d/viewer?mid=1gzC5kxK7O-5poMUnlFK2Q3DRqRQ&ll=40.96452930000004%2C-76.884410099999997&z=8>

Neither Representative Fitzpatrick nor Senator Toomey have announced any public town hall events during the month-long Congressional recess, though Rep. Fitzpatrick made a promise to hold a live town hall when he was asked about it after an event last weekend by brave and assertive Fridays with(out) Fitzpatrick participant Gayle Share.

### **Legislation updates**

Now that we are well into the legislative calendar, some of the bills that we are tracking are moving along and/or getting attention. This section will address older bills of note that may not be up for a vote, but

nonetheless merit your attention.

#### **H.R. 38: Concealed Carry Reciprocity Act of 2017**

<https://www.govtrack.us/congress/bills/115/hr38/text>

Our Indivisible team member Peggy Walsh, who leads up the issue group focused on gun control sent over this alert: "Call Brian Fitzpatrick and tell him you are opposed to H.R 38 - The Concealed Carry Reciprocity Act. This act would force every state to allow unlicensed, unvetted people from out of state to carry concealed guns in public places. Pennsylvania would be forced to allow anyone who has a carry permit from another state to carry hidden, loaded guns in public. More alarming, the bill opens up law enforcement to the threat of personal litigation. If a law enforcement officer mistakenly questions a person's legal authority to carry a concealed firearm, they can be sued, personally. Nearly every law enforcement organization in the country is opposed to this legislation, according to Charles H. Ramsey, former police commissioner of Philadelphia and Washington D.C. This bill is in The House Subcommittee on Crime, Terrorism, Homeland Security and Investigation and has gained traction since the shooting of at the Congressional baseball practice. After the shooting, there was talk of members of Congress being able to carry in D.C. to protect themselves. This right has been seen by gun rights activists as an unfair advantage that other citizens do not have. H.R. 38 just picked up its 200 th supporter in the House., the Gun lobby calls this a "milestone." They are urging their members to call to pressure members of Congress regarding the holdup on H.R. 38."

#### **H. Res. 447 - Directing the Secretary of Homeland Security to transmit certain documents to the House of Representatives relating to Department of Homeland Security policies and activities relating to businesses owned or controlled by President Donald J. Trump**

<https://www.govtrack.us/congress/bills/115/hres447/text>

This bill was included in a MoCTrack from several weeks ago, when it was introduced. The resolution would direct the DHS to provide information related to government expenses incurred via travel by the Trump family (including children). It would also direct the DHS to provide information related to government expenditures that profit Trump-owned businesses. A resolution like this would allow information to be made public that pertains to self-dealing by the President. The update is that surprisingly, this has been added to legislative calendar for a full House vote after the Congress gets back from recess. It is pending in The Homeland Security committee, where Rep. Fitzpatrick is a member, so if you support the aims of this bill, it is critical that he hears from you during August.

#### **H.R. 2195 - OSC Access Act, To amend title 5, United States Code, to provide for access of the Special Counsel to certain information**

<https://www.govtrack.us/congress/bills/115/hr2195/text>

This bill was introduced by Rep. Rod Blum (R-IA) and it has co-sponsors of both parties. The bill would prevent stonewalling by agencies under investigation by the Special Counsel - it provides remedies if any parts of the government are delaying or refusing to provide data. This appears to be a move to provide legislative support for the Mueller Russia investigation. And the bill is not languishing in committee. As of this week, it has been added to the House calendar, to be voted upon after the Congress returns from recess. When combined with the abovementioned Homeland Security resolution, it appears that the House has stopped completely ignoring some of the abuses of the Trump Administration.

#### **S.J. Res. 47/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 was reported on in last week's MoCTrack report. It is the situation where the CFPB introduced a new rule that would make corporations stop forcing consumers into arbitration to resolve conflicts, and give them the choice to enter the court system instead. The House voted to quash this new rule. It has now moved over to the Senate, where it is pending in the Senate Banking, Housing and Urban Affairs Committee. Senator Pat Toomey is a member of that committee. .Despite his position as the Subcommittee chair for Consumer Protection, we know where Senator Toomey falls on such issues. It is

important that we contact the Senator and let him know that we do not want this resolution to pass. The CFPB's new regulation is a very good idea, and takes a situation that is heavily stacked in favor of large corporations and puts a small amount of power back in the hands of individual consumers.

## Votes of Interest

### **S. 204 - Trickett Wendler Right to Try Act of 2017, To authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law**

<https://www.govtrack.us/congress/bills/115/s204/text>

This bill was introduced by Sen. Ron Johnson (R-WI) and it has 46 cosponsors (43R, 2D, 1I). It would allow patients with terminal illness to volunteer to use treatments and drugs that have not yet received FDA approval, but are still being researched. **The bill passed the Senate by unanimous consent.** It is of particular interest to constituents in PA-08, as our Congressman Fitzpatrick is the sponsor of similar legislation that is pending in the House. Now that this bill is headed to the House for consideration, first-term Rep. Fitzpatrick will likely receive more media attention and greater coverage for this popular, non-controversial issue that he champions.

### **Nomination of Christopher Wray to be Director of the Federal Bureau of Investigation**

<https://www.govtrack.us/congress/votes/115-2017/s181>

Christopher Wray is an interesting FBI Director nominee. On one hand, he represented New Jersey Gov. Chris Christie in the "Bridgewater" law entanglements. On the other hand, the Lawfare blog (helmed by Former FBI Director Comey's close friend Ben Wittes) says of Wray the he has "a serious law enforcement background, his being a far better choice than nearly all of the alternatives Trump was kicking around, and his having acquitted himself admirably in his confirmation hearing and sent appropriately reassuring messages." With that in mind, it is surprising that this nomination went so smoothly, with the Senate confirming Mr. Wray in a 92-5 vote. The 5 NOs came from Democrats (Markey and Warren of MA, Wyden and Merkley of OR, and Gillibrand of NY). **Sen. Casey voted YES and Sen. Toomey voted YES.**

### **Nomination of Marvin Kaplan to the National Labor Relations Board**

<https://www.govtrack.us/congress/votes/115-2017/s184>

Marvin Kaplan is a controversial nominee to the NLRB. While he had a few years experience as an attorney at the Occupational Safety and Health Review Commission, before that he was a Republican staffer. At his confirmation hearing, Senator Patty Murray (W-WA) noted that he confused basic labor issues and decisions. The National Law Review highlights the importance of these NLRB positions, because the Board is "likely to consider a number of significant legal issues once the final vacancy is filled, including the NLRB's standards for determining whether joint employer relationships exist, the standards for evaluating whether handbooks and work rules unlawfully interfere with employees' rights under the National Labor Relations Act ("NLRA"), the Board's standards for determining what are appropriate units for collective bargaining including a review of the so-called "micro-units" approved by the Obama Board, the status graduate students and research assistants as employees under the NLRA with the right to collective bargaining, and a host of other decisions from the past eight years that more expansively interpreted the NLRA." The nomination of Marvin Kaplan was confirmed 50-48 in a party line vote. **Senator Casey voted NO, Senator Toomey voted YES.**

## Legislation of Interest

**H.R. 3564 - To amend the Intelligence Reform and Terrorism Prevention Act of 2004 to authorize the Director of the Federal Bureau of Investigation to revoke the security clearance of political appointees in the Executive Office of the President for national security purposes**

<https://www.govtrack.us/congress/bills/115/hr3564>

This bill was introduced by Rep. Donald Beyer (D-VA) and it already has 21 co-sponsors (all D). Amongst all of the revelations regarding the various Russia investigations, one of them concerned Jared Kushner, the President's son-in-law. When Kushner filled out his security clearance paperwork, he left out quite a bit of important information related to meetings with representatives of foreign governments (cough - Russia - cough) and his own business holdings. He has had to make several "amendments" to his filing, as the media has uncovered more and more critical omissions. This bill would allow the FBI Director to assess this kind of behavior and revoke their security clearances, particularly since they might not have been granted in the first place if the omitted information had been included..

**H.R. 3532 - To require the President to convert private businesses and investments in order to prevent conflicts of interest under Federal law**

<https://www.govtrack.us/congress/bills/115/hr3532>

This bill was introduced by Rep. Dwight Evans (D-PA) and it has 1 co-sponsor thus far (D). It's pretty self-explanatory. It would make it law that all presidents divest themselves of their business holdings before assuming office. There are a number of customs and norms that never needed to be laws before this Presidency, because there was a standard of behavior that everyone assumed any President would adhere to. In this new age, we apparently need to enforce these norms via laws, and that is what this, and several other bills similar to it, are attempting to do.

**H.R. 3630 - To establish student loan borrowers' rights to basic consumer protections, reasonable and flexible repayment options, access to earned credentials, and effective loan cancellation in exchange for public service**

<https://www.govtrack.us/congress/bills/115/hr3630>

This bill was introduced by Rep. Frederica Wilson (D-FL) and it does not have any co-sponsors yet. There have been many reports of abuses and policy changes at the Department of Education under Secretary DeVos, particularly related to people who went into public service and had their loans cancelled accordingly via a pre-existing program, but now are suddenly being told they owe thousands of dollars as the cancellation was retroactively negated. This bill would address a number of those issues, and put into law protections that would keep the Department of Education from pursuing such policies.

**S. 1726 - A bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures**

<https://www.govtrack.us/congress/bills/115/s1726>

This bill was introduced by Sen. Robert Menendez, and it has 15 co-sponsors (all D). It is pending in the Banking, Housing and Urban Affairs Committee, where both Senators Casey and Toomey are members. This is an interesting new manner of addressing campaign finance reform. As we all know, the Citizens United SCOTUS decision has unleashed a world of nearly unlimited corporate and dark money into the election process, and the legislative branch cannot limit the amount of contributions (barring a Constitutional amendment). They can, however, attempt to limit the process by making it harder for corporations to contribute money to campaign or other political actions. By requiring public corporations to get shareholder approval before making contributions, they are actually fulfilling two goals: they are bringing sunlight to the process by making such donations public, and they are allowing the public (by way of shareholders) more opportunity to influence these decisions. With both of our Senators on the committee assessing this bill, we have the ability to ask Senator Casey if he would be willing to join 15 of his fellow senators and co-sponsor this; and we can let Senator Toomey know we support the goals of this legislation.

**S. 1699 - A bill to lift the trade embargo on Cuba**

<https://www.govtrack.us/congress/bills/115/s1699>

This bill was introduced by Sen. Ron Wyden (D-OR) and it has 6 co-sponsors (all D). Under the Obama Administration, the US began to soften some of its position regarding Cuba, including allowing more tourist travel there. The Trump Administration has indicated that it intends to reverse that policy and move back towards cold war-era tone of relation with Cuba. There are some analysts who believe that

the trade embargo is giving the Cuban government an easy enemy, upon which to focus the hatred of the populace. Thus, the trade embargo merely entrenches in power the Castro Communist regime. This bill would begin the process of listing that trade embargo.

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.