

Week ending 10/29/17 - PA-08 MoCTrack Report

Tracking Congress in the Age of Trump

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

Senator Bob Casey - **28.8%** (+0.8% from last week)

Representative Brian Fitzpatrick - **80.0%** (-1.3% from last week)

Senator Pat Toomey - **90.2%** (-1.6% from last week)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index assessment. There were a number of votes this week (all covered below in Votes of Interest). Senator Casey's number moved towards Trump because of his support for the Puerto Rico disaster funding, which the President also supports. Senator Toomey voted against that bill, which is why his number moved away from the President. Representative Fitzpatrick voted against the budget resolution on Thursday, accounting for his shift away from the President.

Votes of Interest

H. Con. Res. 71: Establishing the congressional budget for the United States Government for fiscal year 2018 and setting forth the appropriate budgetary levels for fiscal years 2019 through 2027

<https://www.govtrack.us/congress/bills/115/hconres71/text>

This is the concurrent resolution that passed the Senate in early October. It sets spending levels, but more importantly, it is one step in clearing the way for the Republican tax plan. Among the contents of this bill is a provision that will allow the Congress to add \$1.5 trillion to the deficit, and then pass that through reconciliation (which means it can get through the Senate with 51 votes, and not have to achieve the filibuster-proof 60 votes). Newsweek [describes the cuts](#) contained in this resolution:

The approved budget will cut health programs like Obamacare and Medicaid by \$1.3 trillion, or 30 percent over the next decade. Medicare also gets a haircut to the tune of \$473 billion. Income Security spending, which includes welfare programs like food stamps and the earned income tax credit, will lose \$653 billion. Another \$800 billion will be cut from the non-defense discretionary spending category, which includes just about everything the government does that isn't military-related or an entitlement program. The budget assumes there will be another \$1 trillion saved over 10 years in "unspecified allowances." That means unidentified future cuts to mandatory spending programs. Finally, the budget imagines that tax cuts will increase economic growth to 2.6 percent each year, nearly a full percent higher than the 1.8 percent that the Congressional Budget Office estimates.

This package passed the House on Thursday, 216-212. **Fitzpatrick voted NO**. Please remember, this is but one of many steps in the GOP's tax plan process. This was an important step, as it freed up the funds they need to pass their ultimate tax cut plan, but there are still legislative steps to come across the next two months. Keep your eyes open for the actual tax cut legislation which this vote enabled, due to come out this come week (October 30-November 3).

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 is a deeply disappointing and potentially damaging vote for consumers everywhere. Earlier this year the Consumer Financial Protection Bureau had introduced a rule that would have prevented financial corporations from using forced arbitration clauses in their user contracts with consumers. All credit card companies, credit agencies and banks use forced arbitration to keep consumers from bringing lawsuits - particularly class action lawsuits - against them when consumers experience corporate malfeasance. This new rules would have let consumers choose between lawsuits or arbitration for conflict resolution. The Republican-led Congress introduced a "joint resolution" process to stop this new regulation from being enacted. In July this action passed the House 231-190, and **Fitzpatrick voted YES** (the pro-corporate vote). This resolution came before the Senate this week, and it passed 51-50, with Vice

President Pence being brought in to break the tie. **Casey voted NO and Toomey voted YES.** This is a particularly galling (if entirely expected) vote from Senator Toomey, who is on the Senate Finance Committee as the Chairperson in charge of Financial Institutions and Consumer Protection. It is abundantly clear which one of those two things he values more.

H.R. 732: Stop Settlement Slush Funds Act of 2017

<https://www.govtrack.us/congress/bills/115/hr732/text>

This bill was introduced in January by Rep. Bob Goodlatte (R-VA), and has 34 co-sponsors (33R, 1D). The bill would prohibit the government from entering into settlements in court cases where any party of the settlement was required to provide restitution to a “non-victim third-party.” The example given in the Republican Party’s summary of this bill was a case where, in the wake of the financial crisis, the Justice Department entered a settlement with Citibank and Bank of America where those entities paid a portion of a fine to housing non-profits, instead of into the US Treasury. This bill passed the House this week, 283-183. **Fitzpatrick voted YES.** This bill now moves to the Senate.

H.R. 2266: Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017

<https://www.govtrack.us/congress/bills/115/hr2266/text>

This is a bill that was reported on here a few weeks ago, where the Congress used some fairly tricky legislative maneuvering to add appropriations text for disaster relief to an already-passed bill (dealing with bankruptcy judges of all things). It then had to go back through both houses of Congress so that they could each approve the now-amended bill text. The House agreed to the changes in a 10/12/17 vote. It went back to the Senate, where this hurricane disaster relief package of \$36.5 billion passed 82-17.

Casey voted YES and Toomey voted NO. Senator Toomey has not provided any explanation in conjunction with this vote.

H.R. 2142: INTERDICT Act - the International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology Act

<https://www.govtrack.us/congress/bills/115/hr2142/text>

This is one of this first bills introduced by PA-08’s own Rep. Brian Fitzpatrick. It has 18 co-sponsors (13D, 5R). The bill is designed to stop Fentanyl and other opioids at the border via increased use of chemical screening devices by Customs and Border Protection. This bill passed the House on 10/24/17 with a vote of 412-3, and as would be expected for his own bill, **Fitzpatrick voted YES.**

MoC Twitter Action

Senator Bob Casey hot topics: The Senator was back to voluminous twitter output, reserving most of his attention for the GOP tax plan, and pointing out how much it would cost average Pennsylvanians. He did not, however, ignore health care - he did share several articles on the Trump administration’s continued efforts to sabotage the ACA. And the Senator also had some withering comments on the action of his fellow legislators, who voted this week to block the CFPB’s rule to stop financial corporations from putting forced arbitration clauses in their contracts to keep consumers from filing suit when wronged.

Casey tweet of the week, 10/24/17: “When @SenateGOP talks about standing up for ‘forgotten Americans,’ they must mean those big corporations seeking to avoid accountability” accompanied by an image of Senator Maggie Hassan’s tweet, which read “Despite Wells Fargo and Equifax, the Senate GOP gutted one of the @CFPB’s tools for consumers to hold financial institutions accountable.”

Representative Fitzpatrick hot topics: The Representative continues his trend of keeping relative quiet on twitter, with only three tweets. All of his output was devoted to the passage of the INTERDICT Act, on of the bills he has introduced to combat the opioid crisis.

Fitzpatrick tweet of the week, 10/25/17: “ICYMI: The House passed my third bill - the #INTERDICTact <http://bit.ly/2gyDZHf> “

Senator Pat Toomey hot topics: The Senator kept most of his focus on tax reform this week, with links to other Pennsylvanians talking about how reform would benefit them, as well as a picture of himself with Ivanka (who was also in PA promoting her father's tax cut package). Mr. Toomey also tweeted a few times about the President's opioid announcement, and provided info on how to safely dispose of leftover prescription drugs. The Senator shared an article about the start of the Kate Steinle murder trial in San Francisco, taking the opportunity to bemoan the "danger posed by sanctuary city policies."

Toomey tweet of the week, 10/24/17: "@JeffFlake has served the people of Arizona with integrity and honor. My statement on his announced retirement:" (followed by an image of this text) "Senator Jeff Flake has served the people of Arizona with integrity and honor in both the U.S. House and Senate. He is a friend of immeasurable decency and has provided a principled, conservative voice to civil debate. His presence will be missed by his colleagues on both sides of the aisle. I look forward to working with Senator Flake through the rest of his term."

Our Senators' comments about the opioid crisis after President Trump's speech

Senator Casey, 10/27/17: "I am pleased that the White House has come out in favor of a \$45 billion investment in the opioid crisis. If President Trump is serious about confronting this crisis then I urge him to endorse my legislation, the Combating the Opioid Epidemic Act. This bill would invest the \$45 billion in the opioid fight without eliminating coverage for substance use disorder." (with a link to his announcement of his recent bill - [S. 2004](#))

Senator Toomey, 10/26/17: "The President's declaration of a Nationwide Public Health Emergency is a forceful reminder that the drug addiction and opioid abuse epidemic has a scale and breadth unmatched in recent history. Last year, drug overdose deaths increased by 40 percent in Pennsylvania. Congress has taken recent bipartisan action with the Comprehensive Addiction Recovery Act and the 21st Century Cures Act. But we must take further steps including implementing my already-passed legislation, the Stopping Medication Abuse and Protecting Seniors Act, which would reduce overutilization and diversion of prescription opioids. We also need to keep dangerous substances, like deadly fentanyl, out of the United States by cutting off production at the source. I am dedicated to reversing the devastating tide of addiction and abuse and I commend the Trump administration for addressing this national epidemic."

Casey in the News

Topic One: Opioid Crisis

On 10/25/17 the Wilkes Barre Times-Leader reported that "Ahead of President Donald Trump's scheduled speech Thursday on the opioid crisis, U.S. Sen. Bob Casey and several Democrats are calling on the president and GOP members in Congress to support securing billions in funding for drug-scarred communities." The article went on to quote the Senator, who explained, "This epidemic knows no bounds. Whether impacting children, parents, or grandparents, the opioid crisis continues to grow in its intensity and its harm. In order to effectively address the problem, we must continue to commit resources to our states and our local communities. In my recent travels across Pennsylvania, to communities both large and small, one of the most common concerns in fighting the opioid crisis is the need for more support for local resources. This legislation incorporates bipartisan, commonsense principles to make sure we're providing assistance where it is most needed." This news was picked up nationally. KRWG, an NPR station out of New Mexico, observed that this "legislation would invest \$45 billion for prevention, detection, surveillance and treatment of opioids."

Topic Two: US armed forces involvement in Niger

In the aftermath of the deaths of four members of special forces in Niger earlier this month, Newsweek reported on the US armed forces presence in that country. This article highlighted to lack of involvement of the Congress in this deployment of military personnel. The article observed, "Democratic Senator Bob

Casey of Pennsylvania told CNN Monday he was not aware of the U.S. military's involvement in Niger. He's not alone. Senate Minority Leader Chuck Schumer also said he didn't know. "The piece went on to quote Senator Casey, who said "When you consider what happened here—the four sergeants lost their lives—I think there's a lot of work that both parties and both branches of government need to do. Not only to stay more informed, but to focus on why we're there and what happened to get to the bottom of this."

Fitzpatrick in the News

Topic One: Opioid Crisis

The Hill reported on 10/24/17 that "legislation to beef up U.S. Customs and Border Protection's (CBP) ability to detect attempts to smuggle opioids into the country passed in the House on Tuesday." This bill was introduced by Representative Fitzpatrick, who explained the legislation in a 10/25/17 article in the Burlington County Times, noting "The INTERDICT Act is bipartisan legislation that provides U.S. Customs and Border Protection (CBP) access to the latest in chemical screening devices, and scientific support to detect and intercept synthetic opioids before they can cause more harm. I am grateful for the leadership of (co-sponsor) Rep. (Niki) Tsongas and the support of the House to pass this critical measure in a bipartisan fashion. I urge the Senate to act quickly and save lives." The bill's passage was covered nationally, especially in the districts of the legislation's co-sponsors. The Ripon Advance blog covered Representative Fitzpatrick's introduction of the RESTORE Act, which would roll back the 2016 legislation that hampered the DEA's efforts to combat the opioid crisis. The Representative was quoted in that piece, saying "...this legislation is about righting a wrong and upholding our commitment to keep our constituents safe. Moving forward, we must remember that any response to this challenge must treat the whole person, not just the addiction. We must continue to support law enforcement efforts while focusing on the underlying issues driving people to seek opioids and working to increase the accessibility and affordability for prevention, education, treatment, and recovery of this disease."

Topic Two: Tax reform

On 10/27/17 Lancaster Online reported that Representative Fitzpatrick attended a Lancaster County Republican dinner to discuss tax reform. The article observed "Fitzpatrick, of Bucks County, said he's been frustrated by the 'perception' that Congress hasn't gotten anything done this year. He noted that the House has passed bills to repeal the Dodd-Frank Wall Street Reform Act and to defund 'sanctuary cities,' among other efforts. He said he's "very confident" that the House and Senate will pass tax reform." This came right after Thursday's NO vote on the GOP tax package. New York Magazine reported on the Republicans who voted NO in their 10/26/17 column, and observed "In the end, only eight of the House's hard-core fiscal conservatives voted against the Senate-passed resolution. But what made the vote close was that 11 other members from New York (7 of the state's 9 House Republicans) and New Jersey (4 of 5) joined a revolt against the possibility that the tax bill would eliminate the deduction for state and local taxes (SALT). A twelfth House Republican, moderate Brian Fitzpatrick of Pennsylvania, rounded out the rebellion. The no votes from high-tax, high-income states were not a good sign in terms of prospects for the actual tax bill this resolution authorizes." Newsmax came to a similar conclusion, though their description of Representative Fitzpatrick differed slightly. Their 10/27/17 piece included the phrase "moderate-to-liberal Brian Fitzpatrick of Pennsylvania (representing high-tax Bucks County in suburban Philadelphia)."

Toomey in the News

Topic One: Senator Flake's anti-Trump floor speech announcing retirement

PennLive.com reported on Senator Flake's floor speech, and on Senator Toomey's reaction to it. On 10/24/17 they carried the Senator's comments, which read "Senator Jeff Flake has served the people of Arizona with integrity and honor in both the U.S. House and Senate. He is a friend of immeasurable decency and has provided a principled, conservative voice to civil debate. His presence will be missed by his colleagues on both sides of the aisle. I look forward to working with Senator Flake through the rest of his term."

Topic Two: Toomey on the Fed Chair appointment

On 10/25/17 Market Watch reported on several Senators' opinions on who should be the next Chairperson of the Federal Reserve. They report that the president has solicited the opinions of several GOP Senators. In its coverage of Senator Toomey, it reports "Sen. Pat Toomey, a Republican from Pennsylvania, who serves on the Senate Banking Committee, has expressed a preference for Warsh or Taylor over [Jerome] Powell. 'Senator Toomey believes we need to go in a new direction at the Fed and both John Taylor and Kevin Warsh would be fine choices,' said Steve Kelly, Toomey's press secretary. Toomey believes the Fed, in recent years, has conducted 'unprecedented and dangerous' monetary policy and 'fully participated' in the 'overregulation' of the banking industry, Kelly said."

Topic Three: Gun Control

On 10/25/17 USA Today reported on legislation introduced by Senator Chris Murphy (D-CT) to strengthen background checks for gun purchases. Senator Toomey's opinion was solicited, as the last major gun control effort came out of his offices (and failed) in 2013. Senator Toomey was reported to have said "we must work together to forge a bipartisan consensus on gun safety, rather than talk past one another with partisan rhetoric." The article then observed that "major gun control groups that supported the Manchin-Toomey legislation say they prefer the Murphy bill because it is broader, subjecting the vast majority of gun sales to federal background checks. They object to compromise provisions in the Manchin-Toomey approach they say would have weakened regulation of interstate handgun sales, provided less time for background checks at gun shows and extended the gun industry's immunity from civil litigation to unlicensed gun sellers, gun show organizers and website providers. The bill did not cover private sales outside a gun show or offline."

Learning about Legislation - Super-majorities, part one

At the start of the month we had [a section about the types of votes](#) that the two Houses of Congress can take. But there are also interesting rules about the types of votes that require more than a majority of the legislators present. When a two-thirds vote is required, it is called a "super-majority."

The Congressional Research Service maintains a number of research papers on the Senate's website. In [their article on super-majorities](#), they describe the historical rationale for having some issues require more than just 50% in the following manner:

The Framers also recognized the virtue of super-majority votes in certain circumstances. In Federalist No. 58, James Madison (like [Alexander] Hamilton a proponent of majority voting for most things) noted that super-majority votes could serve as a "shield to some particular interests, and another obstacle generally to hasty and partial measures." Hamilton, too, in Federalist No. 73 highlighted the benefits of requiring an extraordinary majority of each chamber to overturn a president's veto. "It establishes a salutary check upon the legislative body," he said, "calculated to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of that body."

Because of this sense from our Founders, they put into the Constitution a number of vote-types that would require a supermajority. And additional amendments to the Constitution also followed this precedent:

1. Overriding a presidential veto
2. The removal of federal officers via impeachment proceedings (part two of which requires a $\frac{2}{3}$ vote in the Senate)
3. Ratifying treaties
4. Expelling members from the House of Representatives or the Senate
5. Proposing Constitutional amendments
6. Permitting anyone who has participated in an "insurrection or rebellion" from holding government office (entered into the Constitution via the 14th amendment)
7. Determining if the President is unable to fulfill his responsibilities via incapacity (introduced into the Constitution via the 25th amendment)

In the House of Representatives, a two-thirds vote is required to “suspend the rules and pass a bill.” Sometimes, particularly for non-controversial bills, a House member will ask for the rules to be suspended. That means that they cut off debate and bring the bill to a vote. It requires the two-thirds to take that action, but only a majority to then pass the bill in question.

There are also times when a 60% supermajority is needed to get things moving in the Senate... but that has to do with cloture votes and filibusters. And that topic is complicated enough to warrant its own brief! Visit this space next week and we'll pick up with more about when our legislators need more than a majority to get things passed.

Are there questions that you have about how Congress works, about elections, about voting... or anything to do with government processes? I am looking for topics for future “Learning about Legislation” topics, so please - email me your questions at KierstynPZ@gmail.com - I can't promise that I already know the answer, but I will research the issue and share my findings with our readers in a future segment.

Legislation of Interest -

S. 1989: Honest Ads Act

<https://www.govtrack.us/congress/bills/115/s1989/text>

H.R. 4077: Honest Ads Act

<https://www.govtrack.us/congress/bills/115/hr4077/text>

This is a pair of identical bills. The Senate version was introduced by Sen. Amy Klobuchar (D-MN) and the House version was introduced by Rep. Derek Kilmer (D-WA). In the Senate there is a pair of bipartisan co-sponsors (John McCain and Mark Warner), while in the house there is a Republican co-sponsor (Mike Coffman of CO). This bill seeks to bring internet political campaign advertising disclosures, which are currently nonexistent, into alignment with the disclosures mandated for traditional media. It would also require websites that exceed a certain number of views per month to maintain the equivalent of a ‘public file’ that traditional media keeps - records of any organization or person that spends \$500 or more in election advertising. In light of the information trickling out about foreign government involvement in paying for ads in the last campaign season, a law like this appears logical. If this is an issue that you feel is important (I sure do!) then call any of your three MoCs to ask them to co-sponsor this legislation.

S. 1816: Freedom from Equifax Exploitation Act

<https://www.govtrack.us/congress/bills/115/s1816/text>

This bill was introduced last month by Sen. Elizabeth Warren (D-MA), and it now has 17 co-sponsors (17D, 1I). It is pending in the Banking, Housing and Urban Affairs Committee in the Senate, where our Sen. Toomey is a member. I am taking the description of this bill from GovTrack, who recently [summarized it](#):

Credit rating company Equifax revealed in September that they'd been hacked, which could reveal personal information for up to 143 million consumers worldwide. The information could include credit cards, Social Security numbers, home addresses, birth dates, and more.

A major way that Equifax and similar companies earn profit is by collecting financial data on individuals whether or not the individuals know it, then in turns selling this information to other companies or organizations. If you want to prevent this from happening, Equifax and similar companies will freeze that information — but usually only for a fee.

It's a lucrative business. Equifax earned more than \$3.1 billion in revenue last year. They first reported the hack publicly more than a month after they learned of it internally, after most of the top executives sold their stocks in the company.

The Freedom from Equifax Exploitation Act would prevent Equifax and similar companies from charging a fee to consumers to freeze their personal information from being sold to others. It would also require Equifax to refund any fees they charged for consumers who attempted to freeze their information in the wake of this year's scandal.

Numbered S. 1816 in the Senate, the bill was introduced by Sen. Elizabeth Warren (D-MA) on September 14.

To prove her point, Warren even embarked on a viral stunt on Facebook, in which she personally called Equifax herself in order to freeze her information — only to be denied because the representative on the phone claimed they couldn't verify Warren's identity, even after she passed all the security questions.

In light of Senator Toomey's voting history, it is unlikely he would ever co-sponsor such a bill, but it would still be worth a call to let him know that you support this move to stop the exploitation of consumers (especially in light of his position in charge of Financial Institutions and Consumer Protection). And a call to Senator Casey in support of this legislation might eventually bring him onto the list of co-sponsors.

S. 2004: A bill to increase funding for the State response to the opioid misuse crisis and to provide funding for research on addiction and pain related to the substance misuse crisis

<https://www.govtrack.us/congress/bills/115/s2004>

This bill was introduced by our own Senator Casey, and upon introduction it has 18 co-sponsors (17D and 1I). It is pending in the Senate Health, Education, Labor, and Pensions Committee, where Senator Casey is a member. In light of the President's recent announcement, where he declared a public health emergency for the opioid epidemic (but did so in a way that provided very little by way of immediate funding), a bill like this is necessary to actually put funding in place to address the crisis. If you believe the Congress should be doing more to address the ever-growing problem presented by the opioid epidemic, there are several steps that can be taken in relation to this bill. You can thank Senator Casey for his efforts; you can call Senator Toomey and ask him to co-sponsor this effort; and you can call your Representative (especially if you are in PA-08, where the issue of opioids is Rep. Fitzpatrick's primary focus of his legislative advocacy) to ask if they would be willing to introduce an identical bill in the House of Representatives.

H.R. 4140: To prohibit the introduction of the Armed Forces into hostilities in North Korea without a declaration of war or explicit statutory authorization

<https://www.govtrack.us/congress/bills/115/hr4140>

This bill was introduced last week by Rep. John Conyers (D-MI) and it has 60 co-sponsors (58D, 2R). It is pending in the House Foreign Affairs Committee, where Rep. Fitzpatrick is a member. As was described in the [Learning About Legislation segment on War Powers](#) a few weeks ago, the Congress has the power to declare war. But as head of the armed forces, a President has a lot of discretion to assign forces to locations throughout the world without getting the approval of Congress (prime example - the Vietnam War, which was not a declared war and yet involved tens of thousands of American armed forces deaths). This bill would pre-emptively disallow the President from involving any troops into hostilities against North Korea without explicitly getting the approval of Congress. Please call Representative Fitzpatrick in support of this legislation if you are concerned about the President's actions and rhetoric about North Korea.

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 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 - 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.

This report brought to you by the PA-08 MoCTrack team...

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We are seeking additional assistance. Our Congresspeople are always busy and there is always more for us to cover - tasks big and small to fit any level of time commitment. Can you help us out? Please email KierstynPZ@gmail.com and put "MoCTrack Help" in the subject. Thanks!