

Week ending 12/03/17 - 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 - **28.3%** (-0.5% from last week)

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

Senator Pat Toomey - **90.4%** (+0.2% from last week)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index assessment. The only vote that 538 scored was the Senate's passage of the GOP tax plan.

Votes of Interest

H.R. 1 - Tax Cuts and Jobs Act

<https://www.govtrack.us/congress/votes/115-2017/s303>

In the early hours of 12/02/17, the Senate passed their version of the GOP tax plan. It passed in a 51-49 vote. Sen. Bob Corker (R-TN), a noted deficit hawk, was the only Republican holdout. As expected **Casey voted NO** and **Toomey voted YES**.

As of the writing of this report, there is still not a full version of the bill available online - apparently what was passed was full of cross-outs and handwritten amendments. It is likely that the typed-up final version won't be available for public review until early next week. Here is what we do know about it, via [ABC News](#) and [CNN Money](#):

- The corporate tax rate is cut from 35% to 20%, and this is a permanent change. The Joint Committee on Taxation (JCT) says this is the big budget-buster, and costs the bill \$1.4 trillion. The JCT also reported that this provision would not pay for itself, as claimed by the GOP, as it would only add \$400 billion to the economy in the next decade.
- Most individuals will see lower taxes as the bill is introduced, but those benefits gradually go away. By 2027, every income group under \$75,000 a year will see tax increases.
- The standard deduction is increased, but a number of other deductions are eliminated or capped. State and Local tax deductions are eliminated, and property tax deductions are capped at \$10,000; the medical expense deduction is lowered from 10% to 7.5% of adjusted gross income
- Estate taxes will only go into effect for individuals passing on \$11 million and couples with \$22 million in assets (this doubles the current amounts)
- The Affordable Care Act individual mandate is repealed

This bill is significantly different from the version the House passed. The two versions will now go to a conference committee, and then the agreed-to version will return to both houses for another vote.

On the Nomination PN999: Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit

<https://www.govtrack.us/congress/votes/115-2017/s283>

This is yet another controversial judicial nominee from the Trump administration. Gregory Katsas is the current Deputy White House Counsel, which means he provides legal advice to the president and his administration. Mr. Katsas has faced vigorous opposition from the LGBTQ community because of a list of discriminatory situations he has participated in. Just within the last year, Mr. Katsas provided legal advice to the President regarding the transgender military ban and the change to reverse the Obama-era protections under Title IX related to public school bathroom usage of transgender children. Prior to this, Katsas defended DOMA, spoke openly against the Obergefell Supreme Court decision providing for marriage equality, and wrote an amicus brief opposing the Colorado anti-discrimination law in the upcoming Supreme Court case related to the baker who would not make a cake for a gay marriage reception. Lambda Legal, and organization that defends the rights of LGBTQ individuals, composed [a letter](#) to the Senate Judiciary committee that states, in part:

While the above examples focus on the threat that Mr. Katsas poses to the LGBT community, we share the concerns expressed by others about his approach to civil rights generally. Mr. Katsas's record demonstrates that his appointment to the bench would cause grave harm to the LGBT community, as well as many other communities who rely on the federal judiciary to administer fair

and impartial justice. Quite simply, Gregory Katsas is not the kind of judge that this country wants, needs or deserves. We urge you to reject his nomination.

Despite the biases this nominee has clearly demonstrated, he was confirmed in a 50-48 vote on 11/28/17. This was not strictly a party line vote - Sen. Joe Manchin (D-WV) voted for Mr. Katsas, while Sen. John Kennedy (R-LA) voted against. **Casey voted NO** and **Toomey voted YES**.

H.R. 3905 - Minnesota's Economic Rights in the Superior National Forest Act

<https://www.govtrack.us/congress/votes/115-2017/h643>

I hope you will forgive a somewhat extended analysis of this bill that has no apparent connection to Pennsylvania interests, but it demonstrates a Fitzpatrick voting pattern that was first brought to my attention by a fellow Fridays with(out) Fitzpatrick attendee, Peg Dissinger. She observed that Brian Fitzpatrick will usually place (and promote) pro-environment votes on final bills, but he often votes against the environmental position during the amendment process.

A bill that was voted upon this week is a perfect example of Peg's observation. The bill concerns public lands that are a part of a watershed that borders a national park in Minnesota. The [Congressional Budget Office](#) describes the bill succinctly, noting that it "would prevent federal agencies from withdrawing certain federal land in northern Minnesota from use for mining activities. The bill also would restore two mineral leases that were canceled by the Bureau of Land Management." The [National Parks Conservation Association](#) "strongly opposes" this bill and a Minnesota Representative, Betty McCollum, opined "this bill undermines bedrock environmental and public land management laws in order to create a perpetual lease for a foreign-owned toxic mine. This mine will be on the doorstep of one of our country's last truly wild places, the Boundary Waters Canoe Area Wilderness." Her statement is part of the [Congressional Record](#).

In the debate prior to the passage of the bill, Rep. Raul Grijalva (D-AZ) proposed an amendment to increase the amount the corporation would have to pay for the leases on the land. He spoke at length about how little the United States was being compensated by a foreign corporation for these mining rights. He said, in part (also taken from the Congressional Record):

...the American people are getting ripped off in this bill. The Chilean mining conglomerate behind this bill makes out like a bandit. They get two expired leases back, as well as exemptions from several key environmental laws that could be used to stop any of their dreams of massive profits from a giant copper mine. The American people are the ones that are getting ripped off. This land is being given away for next to nothing. For the past 50 years, the leaseholder has been paying rent of \$1 an acre per year. Think about that, \$1 an acre per year, unchanged for 50 years. The American people are the landlords here. They are charging the Chilean company about \$420 per month for 5,000 acres of prime land right next to the most visited wilderness area in the country.

When this amendment ([#487](#)) came up for a vote, it failed in a 187-232 vote. **Fitzpatrick voted NO**, with the pro-corporate, anti-environmentalist position. When the final bill came to the floor on 11/30/17, it passed in a 216-202 vote. **Fitzpatrick voted NO**, against the bill, in the pro-environment position that he will no-doubt promote heavily. Other (but not all) examples of this Fitzpatrick pattern relate to a bill about delaying ozone standard implementation ([H.R. 806](#)) and another that would make it easier to stack the Scientific Advisory Board to the EPA with industry insiders and make it harder for actual academics to be placed on the board ([H.R. 1431](#)). I believe that this is an area that makes Representative Fitzpatrick vulnerable in the coming election, and I hope to put more time to researching it in the future.

MoC Twitter Action

Senator Bob Casey hot topics: the Senator tweeted dozens of times this week, exclusively about the GOP tax bill. He shared articles about it, tweeted statistics about how this will adversely affect the middle class and people who make under \$30,000 a year. He even shared a copy of a letter written by Governor Wolf and sent to both our Senators, urging them to not vote for the bill because of how negatively it would impact Pennsylvanians. Senator Casey was particularly cutting in his commentary on the process of handling this legislation, observing how it was hurried, slap-dash and lacking in transparency or reasoned analysis.

Casey tweet of the week, 12/01/17: "They're now making handwritten changes to their handwritten changes..." (accompanied by an image of an almost illegible, mark-uped bill page)

Representative Fitzpatrick hot topics: the Representative is continuing his trend of using Twitter less and less. His last tweet of his own words is from 11/21, instead he tends to retweet other content. He shared several articles on his action in Congress to call for an investigation on settlements regarding sexual harassment and misconduct in the Capitol. He also shared tweets of fellow legislators who thanked him for sponsoring a bill related to publicizing the costs of college, and info about a Veterans' Affairs hotline.

Fitzpatrick tweet of the week, 11/30/17: ""It's unbelievable—and unacceptable—that elected officials have been using taxpayer dollars to cover up sexual harassment suits for years. - @RepBrianFitz" (retweet of a Langhorne Times teaser for an article on his sponsorship of the ME TOO Act)

Senator Pat Toomey hot topics: the majority of the Senator's twitter output centered on the GOP tax bill, with an eye towards dispelling what he perceived as misconceptions about the bill. He shared a number of prepared "Myth vs. Fact" memes. He also congratulated Israel on the 70th anniversary of their UN recognition, and issued a statement about North Korea's continued aggression and the BRINK Act that he composed with Democratic Senator Chris Van Hollen to strengthen sanctions not just against North Korea, but also against businesses that work with North Korea.

Toomey tweet of the week, 12/01/17: "I hope my Democratic colleges will join us in working on #TaxReform that lowers taxes for middle income families. Nothing precludes my friends across the aisle from offering amendments, engaging in debate, and working with us on this bill." (accompanied by video of the Senator on the floor of the Senate)

New mini-section: Honorable mentions!

So many people are saying amazing things on Twitter. Starting this week we will highlight two additional tweets, one from a lawmaker outside Pennsylvania who has something pertinent to say, and one from a journalist, pundit or a celebrity.

Honorable mention, lawmaker

Sen. Claire McCaskill, 12/01/17 - "This is so bad. We have just gotten list of amendments to be included in bill NOT from our R colleagues, but from lobbyists downtown. None of us have seen this list, but lobbyists have it. Need I say more? Disgusting. And we probably will not even be given time to read them." (accompanied by an image of a list of amendments created by a lobbyist firm)

Honorable mention, journalist

Dan Rather, 12/01/17 - "I've seen kids spill out their piggy banks and plan their allowance budget with more care than the Republicans in Congress are planning for the future of the U.S economy."

The Senate passage of the GOP tax plan - our Senators respond

Sen. Bob Casey: "This is an insult to the many middle class families in Pennsylvania who will pay more in taxes under this scheme while the super-rich and big corporations get a windfall. Congress should be working in a bipartisan way to make our tax system simpler and fairer, but the Senate Republican plan does just the opposite. In 2019, the country's 572,000 richest households will see \$34 billion worth of tax cuts, while the 90 million Americans making under \$50,000 a year will see a fraction of that. That is both obscene and grossly unfair. The bill rewards companies who outsourced jobs by giving them a big tax cut and may actually encourage more outsourcing in the future. What's worse is that this tax plan will trigger \$25 billion in automatic cuts to Medicare unless Congress acts. Now, after creating a huge hole in the deficit by giving tax cuts to the super-rich, top Republicans are saying they are planning to go after Social Security, Medicare and Medicaid. Adding insult to injury, the bill also includes a partial repeal of the Affordable Care Act, which will result in 13 million Americans losing their health care while premiums increase for families across Pennsylvania by an additional 10% per year. That's wrong and I will fight against it. The Republican tax plan that just passed the Senate rewards companies who outsource jobs

and ends tax deductions that help the middle class. I will continue to fight for real bipartisan tax reform that helps the middle class. What passed today is a big Republican giveaway to corporations and Republican corporate donors." 12/02/17, via Facebook

Sen. Pat Toomey: "Passage of this pro-growth tax reform bill brings hardworking Pennsylvanians one step closer to seeing a direct pay raise and better job opportunities. Our bill directly lowers the tax burden for middle income families and fundamentally restructures the business tax code so American workers and businesses can compete globally. It transforms one of the world's worst business tax codes into one of the most competitive, making it easier for entrepreneurs to start new businesses and giving employers greater incentives to buy new capital equipment and bring operations home from overseas. I am confident these reforms will unleash a surge in economic growth and job creation. I hope the House and Senate soon come together to finish our work on this bill, and deliver on our promise of a better and brighter economic future for all Americans." - 12/01/17, from his website (please note, this was composed and posted before the vote - and the contents of the bill - were finalized.)

Casey in the News

Brought to you by MoCTrack contributor Clair Oaks

Topic One: Vacancies in Western PA Judgeships

Western District of Pennsylvania has vacancies in five of its ten active judgeships, which may complicate efforts to deliver justice. [The Hill](#) reports that Republican lawmakers have stalled efforts to fill these judgeships by blocking Senate confirmation of Judges Baxter and Horan, who were nominated by then President Obama in July of 2015. Both Senators Pat Toomey and Bob Casey strongly supported Baxter and Horan. At the time of their nominations, [Senator Casey observed](#) that they are "highly skilled legal professionals who will bring fairness and integrity to their work on the federal bench... Judge Baxter has earned a sterling reputation as an excellent jurist during her two decades as a Federal Magistrate Judge in the Western District of Pennsylvania...Judge Marilyn Horan has spent her legal career serving the people of Western Pennsylvania and will do excellent work on the federal bench in the Western District of Pennsylvania."

Topic Two: Uber Breach

Central PA's [Trib Live](#) reported on the Uber Breach of customer personal information. Toomey and Casey joined other lawmakers demanding answers. "Uber's failure to disclose this breach is unacceptable. Consumers have a basic right to know if their data has been stolen by hackers," Casey, wrote in an email to the Tribune-Review. An Uber spokesperson quoted in this article, wrote in an email, "...we are happy to answer any questions regulators may have. We are committed to changing the way we do business, putting integrity at the core of every decision we make, and working hard to regain the trust of consumers."

Topic Three: Laurel Pipeline partial reversal

The [Central PA Business Journal](#) carried an article on the Laurel Pipeline, which carries gasoline westward across the state, including to terminals in Central Pennsylvania. Casey expressed concern, along with other lawmakers that the pipeline's partial reversal would drive up gasoline prices in Pittsburgh and cost jobs at Philadelphia refineries. "While the proposed change obviously stands to benefit the owners of the Buckeye pipeline, as well as refineries in the Midwest, these benefits are likely to come at the expense of Pennsylvanians," Casey wrote. Buckeye Partners, the pipeline owners, say the partial reversal of the pipeline's flow will allow it to reach further east, allowing cheaper Midwestern fuel to reach more of Pennsylvania.

Topic Four: Health Secretary nominee's ties to drug industry

Alex Azar, who served in HHS (during GW Bush Admin) and then made millions as an executive at drug company Eli Lilly, is Trump's nominee for Secretary of Health and Human Services. He would fill the recently vacated seat of Tom Price, who left under a cloud of scandal after improper spending related to private airplane flights. [ABC News](#) carried a useful primer on Mr. Azar's employment history. [MedCity News](#) reported on the questioning the nominee underwent in the Senate. Senator Casey asked Mr. Azar,

“Do you commit to faithfully implementing the Affordable Care Act?” The paper reports that Mr. Azar, “did commit to faithfully implementing the law... with some discretion.”

Topic Five: GOP Tax vote in the Senate

Dozens of local and national media sources covered the Senate’s GOP passage of the tax bill. Earlier in the week, the [Herald Mail Media](#) reported on Senator Casey’s introduction of an amendment that would “require corporations to annually aggregate workers’ wages with the same increases received by executives through compensation increases, stock buybacks and shareholder dividends.” Casey observed, “It’ll have, I think, unanimous support on the Democratic side and little to no support on the Republican side. That’s my guess.” The [Cumberland Sentinel](#) also focused on Casey’s amendment, and quoted the Senator, who noted “It’s disconcerting when you have permanent cuts for corporations, but the corporations have no track record that they will use that cash to benefit their workers.” The [Ellwood City Ledger](#) focused on a letter composed by Governor Wolf, addressed to both PA Senators to implore them to vote against this tax bill. That article reported that “...Wolf and Casey teamed up on a conference call to denounce the GOP plan and the proposed elimination of the state and local tax (SALT) deduction, warning that doing so would hurt 1.8 million Pennsylvanians who claim it.” Much of the reporting focused on the haphazard process in the hours leading up to the Senate’s vote. [Forbes](#) cited a tweet from Senator Casey, who wrote “Any handwriting experts out there? I’d like to know what this says before they call for a vote. This is absurd” and the news outlet carried the picture the Senator had tweeted of a scribbled up page of the bill. After the bill passed in a 51-49 vote, Allentown’s [WFMZ channel 69](#) carried both senators’ statements (see the previous section for the full text), with Casey’s including the sentence “This is an insult to the many middle class families in Pennsylvania who will pay more in taxes under this scheme while the super-rich and big corporations get a windfall.”

Fitzpatrick in the News

Brought to you by MoCTrack contributor Gail Friedman

Topic One: Environment

Rep. Fitzpatrick was one of 12 House Republicans who signed a letter against the provision included in the Senate version of the tax overhaul plan that would allow leasing of portions of the Arctic National Wildlife Reserve for oil and gas drilling ([Huffington Post](#), [Roll Call congressional news blog](#)).

Topic Two: Gun Control

The bipartisan House bill to regulate “bump stocks” co-sponsored by Rep. Fitzpatrick following the Las Vegas massacre is languishing in committee ([Las Vegas Review Journal](#)).

Topic Three: Hate Crimes

Rep. Fitzpatrick has made arrangements for a delegation of adults and students from Bucks County to testify in the House about hate crimes in their communities. There have been about 70 incidents, mostly in schools, in Bucks County during the past year, according to Barbara Simmons, director of the Peace Center. Fitzpatrick said he will decide after the testimony what he will do to address it. ([BucksLocalNews.com](#)). Thirty-three Bucks students testified before Fitzpatrick in a room at the Capitol on Friday, Dec. 1. ([Intelligencer](#)).

Topic Four: Sexual Harassment

Rep. Fitzpatrick has called on the House Ethics Committee to investigate cases of public funds being used to settle Congressional sexual harassment claims, reported in an article headlining a settlement in behalf of Rep. Raul Grijalva (D-AZ) ([The Washington Free Beacon](#), right-leaning online publication).

Topic Five: Student Loans

Rep. Fitzpatrick, along with Reps. Ryan Costello (R-PA), Brendan Boyle (D-PA), and John Sarbanes (D-MD) have introduced a bill designed to remedy a glitch in the Public Service Loan Forgiveness program that affects proper crediting of educational loan repayments by teachers, first responders, social workers and other public service personnel ([Ripon Advance](#), Republican centrist publication, and [Reading Eagle](#)).

Topic Six: Taxes

Rep. Fitzpatrick, along with Rep. Ryan Costello (PA-06), are two of the 19 GOP representatives targeted in digital ads by the pro-Obamacare group, Save Our Care, for their votes in favor of the tax plan ([The Hill](#), online Congressional news publication). Save Our Care argues that the tax package will force cuts to health care programs; the ads ask listeners to call their representatives to urge them to vote against the tax plan. The six-hour-long protest at Rep. Fitzpatrick's office against the Trump tax plan and Fitzpatrick's vote in favor was well covered by local press ([Courier-Times](#), [Intelligencer](#)).

Toomey in the News

All of the news about Senator Toomey this week revolved around the GOP tax plan. Instead of cramming all that into one giant section, I divided it up into sub-categories.

Topic One: Graduate students and the proposed tax plan

[WHYY](#), the local public broadcast station, reported on the plan for graduate students to walk out of universities in protest of the damage that the proposed tax plan will do to the finances of students. That article carried images of students protesting outside of Senator Toomey's office, carrying signs that read "Tuition remission is not income." [Penn State's WPSU](#) contacted Senator Toomey's office on the issue of taxing tuition remission, and reported, "A spokesman for Senator Pat Toomey, who serves on the Senate Finance Committee, didn't directly address the issue of taxing tuition benefits in the House plan. In a statement, he said the Senate is focused on passing the tax plan that was voted out of the Senate Finance Committee. Senator Toomey, he said, is confident the House and Senate will be able to resolve the differences between the two plans." [The Daily Pennsylvanian](#), a paper from University of Pennsylvania, also reported on protests on this tuition remission taxation provision. Groups of protesting students were calling Senator Toomey's office, en masse, to decry this change to the tax code. One of the protestors noted, "We're not going to get through. But we're going to leave a voicemail to tell them to vote no on the tax bill."

Topic Two: Toomey's amendment to aid a DeVos-funded Michigan conservative college

On Friday night, Senator Toomey advocated for an amendment to the tax bill that would provide an endowment tax relief for any college or university that did not accept federal student aid. As reported by the [Philadelphia Inquirer](#), "...only Hillsdale [College of Michigan] now makes that choice and has an endowment large enough to be threatened by the proposed tax. In a sustained attack they acidly added that Hillsdale is generously supported by the family of Education Secretary Betsy DeVos." The [Allentown Morning Call](#) quoted the Senator when he explained his rationale for offering this amendment, "My view is, if a college chooses to forgo federal money and the students that attend have to find their own way to get there, it is diminishing the burden that that college would otherwise impose on the taxpayers. So it is perfectly reasonable in my view to exempt such a college from the tax on endowments." [NBC News](#) posited a theory as to why the Senator might have floated this amendment, observing, "One politically connected alumni [of Hillsdale] is the head of conservative, small-government-touting organization Club for Growth, Chris Chocola. He is also a former congressman from Indiana and is close with Toomey, the author of the legislation." The [Chicago Tribune](#) reported on the eventual outcome of Toomey's amendment, adding, "Democratic Sen. Jeff Merkley of Oregon proposed the amendment to eliminate the tax break for Hillsdale, noting that it has connections to powerful Republicans, including Education Secretary Betsy DeVos....Merkley's amendment was adopted by a 52-48 vote."

Topic Three: The final results of the tax bill vote in the Senate

The [Times Herald](#) of Swarthmore reported on Senator Toomey's response to the passage of the tax bill. He said, "I am confident these reforms will unleash a surge in economic growth and job creation. I hope the House and Senate soon come together to finish our work on this bill and deliver on our promise of a better and brighter economic future for all Americans."

Learning about Legislation - The American history of income taxes

With this wretched GOP tax bill on the precipice of being signed into law, I thought it would be interesting to look at some snippets from the American history of taxation. The Library of Congress provides a short recap of [the history of income taxation](#) in their Business Reference Services section.

The origin of the income tax on individuals is generally cited as the passage of the 16th Amendment, passed by Congress on July 2, 1909, and ratified February 3, 1913; however, its history actually goes back even further. During the Civil War Congress passed the Revenue Act of 1861 which included a tax on personal incomes to help pay war expenses. The tax was repealed ten years later. However, in 1894 Congress enacted a flat rate Federal income tax, which was ruled unconstitutional the following year by the U.S. Supreme Court because it was a direct tax not apportioned according to the population of each state. The 16th amendment, ratified in 1913, removed this objection by allowing the Federal government to tax the income of individuals without regard to the population of each State.

In process of reviewing the history of tax policy, I also found [a great letter](#) from President Franklin D. Roosevelt to the Ways and Means Committee in the House of Representatives. It is currently hosted on the Department of the Treasury's website, and I am kind of surprised the minions of Treasury Secretary Mnuchin have left it up there. The letter is from June 19, 1935, and it states, in part:

As the fiscal year draws to its close it becomes our duty to consider the broad question of tax methods and policies. I wish to acknowledge the timely efforts of the Congress to lay the basis, through its committees, for administrative improvements, by careful study of the revenue systems of our own and of other countries. These studies have made it very clear that we need to simplify and clarify our revenue laws....

With the enactment of the Income Tax Law of 1913, the Federal Government began to apply effectively the widely accepted principle that taxes should be levied in proportion to ability to pay and in proportion to the benefits received. Income was wisely chosen as the measure of benefits and of ability to pay. This was, and still is, a wholesome guide for national policy. It should be retained as the governing principle of Federal taxation. The use of other forms of taxes is often justifiable, particularly for temporary periods; but **taxation according to income is the most effective instrument yet devised to obtain just contribution from those best able to bear it and to avoid placing onerous burdens upon the mass of our people.**

The movement toward progressive taxation of wealth and of income has accompanied the growing diversification and interrelation of effort which marks our industrial society. Wealth in the modern world does not come merely from individual effort; it results from a combination of individual effort and of the manifold uses to which the community puts that effort. The individual does not create the product of his industry with his own hands; he utilizes the many processes and forces of mass production to meet the demands of a national and international market.

Therefore, in spite of the great importance in our national life of the efforts and ingenuity of unusual individuals, the people in the mass have inevitably helped to make large fortunes possible. Without mass cooperation great accumulations of wealth would be impossible save by unhealthy speculation. As Andrew Carnegie put it, "Where wealth accrues honorably, the people are always silent partners." Whether it be wealth achieved through the cooperation of the entire community or riches gained by speculation—in either case the ownership of such wealth or riches represents a great public interest and a great ability to pay.

As we watch our current Congress pass a tax plan that will greatly burden the middle class and the poor while providing nearly immeasurable benefits to corporations and the wealthiest 1%, I find comfort in the words of FDR. I hope that future sessions of Congress will returned to this well-reasoned and planned philosophy of taxation.

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

H.R. 4478: FISA Amendments Reauthorization Act of 2017

<https://www.govtrack.us/congress/bills/115/hr4478/text>

This is a coming legislative battle that has not been in the news because the tax bill has been taking up all the space that the media earmarks for legislation. FISA is the Foreign Intelligence Security Act of 1978 - it is a bill that authorizes special judicial proceedings to allow for surveillance (phone, email, other electronic means) of non-Americans, sometimes even if an American is party to the communication, to be used by our intelligence agencies. FISA featured prominently in reports during the George W. Bush era, when spying on Americans was being done without FISA authorization. More recently it was mentioned in relation to Paul Manafort's interactions with foreign entities. If you would like to know more about FISA, and particularly the portion of it that allows for warrantless wire-tapping, you can read more [here](#) from the Director of National Intelligence, or an analysis from the [Lawfare blog](#).

Portions of FISA have to be reauthorized every four years. [The Hill](#), a slightly conservative leaning online outlet, describes the legislative situation thusly:

The current authorization for Section 702 expires on December 31, and it's the first time Congress has faced this reauthorization since Edward Snowden's earth-shattering disclosures about the National Security Agency's mass surveillance apparatus. Committees in the Senate and House have competing proposals to reauthorize the program. But with the clock running out, Congress once again appears to be poised to jam through reauthorization.

Aspects of this bill are highly controversial, and the split is not down party lines. The Cato Institute is a conservative/libertarian think tank funded primarily by Koch brothers money. And [the Cato Institute assessment](#) of the FIA reauthorization target what they call the "major problems" in the bill. It observes that the the government is allowed, under this bill, to keep the data of Americans for 90 days, and "...in the government counterterrorism (CT) context—and CT intelligence collection was the original rationale for this authority—there is simply no reason for the government to continue the collection and storage of the information of innocent U.S. Persons."

The House version of the bill was introduced by Rep. Devin Nunes (R-CA). If his name sounds familiar that's because he is the gentleman who had to recuse himself from the chairmanship of the House investigation of the Russian election meddling/possible Trump collusion for his inappropriate behavior last spring when he ran to the White House with dishy info before revealing it to other members of the House investigation committee, including the ranking Democrat. The bill has 16 cosponsors, all Republican, and it is currently pending in (amongst others) the House Homeland Security Committee, where Rep Fitzpatrick is a member. If privacy concerns are a motivating issue for you, you may wish to contact Rep. Fitzpatrick. In addition to expressing your feelings, you may want to try to get him to state his opinion on this bill - to my knowledge he has not publically announced a stance on this.

H.Con.Res. 90: Condemning ethnic cleansing of the Rohingya and calling for an end to the attacks in and an immediate restoration of humanitarian access to the state of Rakhine in Burma

<https://www.govtrack.us/congress/bills/115/hconres90/text>

This resolution was introduced by Rep. Joseph Crowley (D-NY). It has 25 cosponsors (15D, 10R) including our own Representative Fitzpatrick. It is pending in the House Foreign Affairs committee, where Rep. Fitzpatrick is a member. If you haven't been keeping abreast of this humanitarian crisis, [the BBC](#) has a useful primer on the situation. This is a resolution that was introduced a few weeks ago, but it has been 'ordered reported' and is scheduled to come to the floor soon. The resolution cites the atrocities that are currently occurring in Myanmar (though the resolution still refers to it as Burma). It then calls upon the government of Myanmar to cease their attacks on civilians, allow refugees to return to their homes, and calls upon the President to impose sanctions against the military leaders and security services involved in the persecution of the Rohingya. If human rights are a primary concern for you, you may wish to call Rep. Fitzpatrick and thank him for his sponsorship of this resolution.

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 the Lower Bucks Indivisible leaders, Connie Gruen, recommends the Countable app. It is available for both Apple and Android phones. You can sign up at [Countable.us](https://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...

Clair Oaks

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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!