

Week ending 04/01/18 - PA-08 MoCTrack Report

Sorry for the long hiatus! Sometimes real life makes the work that goes into tracking our MoCs impossible to get done. We went several weeks without a report and a LOT has happened in Washington since March 11, so this week's report is mostly devoted to the bills that have come to the floor in Congress and how our MoCs have voted. We'll back back to our standard format, with press coverage, Twitter presence, Learning about Legislation and Legislation of Interest next week. Thanks for your patience!

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 — **30.9%** (+0.6% from last report)

Representative Brian Fitzpatrick — **84.3%** (+0.7% from last report)

Senator Pat Toomey — **90.8%** (+0.2% from last report)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index. I have heard some confusion about what this number represents when people have cited it in the real world. Let's review how the FiveThirtyEight website puts this together.

Nate Silver and his crew of intrepid analysts review all of the president's statements, appearances and tweets. They cull out any policy statements that he makes that pertain to specific legislation pending in Congress. Then they compare our legislators' votes to how they match the president's stated position. There are any number of important bills for which the president never expresses a position. Similarly, hundreds of procedural votes are not counted. Thus, this index does not match perfectly with adherence to the official GOP position, or some conservative/liberal scale. It simply denotes what percentage of the time a lawmakers votes in line with the president's stated agenda.

Words From Our Founders

"It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism." - [George Washington](#), 1796

Votes of Interest

H.R. 4909: STOP School Violence Act of 2018

<https://www.govtrack.us/congress/votes/115-2018/h106>

This bill was Congress's first attempt at finding a solution to the plague of school shootings our country has experienced. As one might expect from legislation negotiated by the GOP leadership, it contains very little content related to common-sense gun safety legislation and much more about school security. The abbreviation from the bill name stands for "Student, Teachers, and Officers Preventing (STOP) School Violence." [TIME Magazine](#) has the most succinct recap of what is — and is not — included in the bill.

They report that this legislation "provides \$50 million per year to:

- Create and operate an 'anonymous reporting systems for threats of school violence, including mobile telephone applications, hotlines, and internet websites'
- Implement improvements to school security infrastructure.
- Develop student, teacher and law enforcement training to prevent violence"

The bill contains absolutely no language related to gun control. For more extensive analysis of the wrangling that led to the bill, this [Vox](#) article titled "As student activists rally outside, the House passes a narrow school safety measure" is a good place to start.

The GOP leadership brought this bill to the floor under a House procedure called "suspension of the rules" that allowed them to bypass debate if they could get a supermajority of two-thirds to approve the

bill. The vote took place on Mar. 14, 2018, the same day as the school walkouts around the country, and it passed 407–10. **Fitzpatrick voted YES.**

H.R. 5247: Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2018

<https://www.govtrack.us/congress/votes/115-2018/h121>

This bill was introduced by our own Rep. Brian Fitzpatrick. The idea behind the bill — to let terminally ill patients have access to unapproved drugs that are still going through trials at the Food and Drug Administration (FDA) — sounds noble and good. However, the FDA already has an extended access (compassionate use) program, and more than 99 percent of those who apply to that program are granted access to experimental treatments. Since the vast majority of people who want access to these drugs can already get them through the FDA’s compassionate use program, the practical purpose of the new bill is somewhat vague. Hundreds of medical ethicists, patient advocates and doctors signed [a letter](#) opposing the new right-to-try bill, noting that “this legislation sells vulnerable patients and families false hope at the expense of weakening the FDA’s critical role in making sure that all Americans can have confidence in the safety and effectiveness of our medical products.” The letter adds, “Because the FDA is not the obstacle to patient access to investigational drugs and plays a vital role in ensuring proper patient safeguards are in place, we implore the Committee to not pass legislation that would remove the FDA from the initial authorization process for accessing an investigational therapy outside of a clinical trial.” An [additional concern](#) about this bill is that while it indemnifies any drug manufacturers, sponsors, their agents and representatives from legal liability from the use of experimental treatments, that indemnification excludes treating doctors, medical assistants, nurses, pharmacies — so big business is protected, but the individuals actually treating patients are not. Despite these serious concerns, this bill passed on Mar. 21, 2018, in a 267–149 vote. As might be assumed for a bill he sponsored, **Fitzpatrick voted YES.** The Senate passed its [own version](#) of this bill, sponsored by Sen. Ron Johnson (R-Wis.), so it is unclear whether the Senate will take a second vote on the House version, or if it will go to conference.

Multiple House Financial Deregulation Bills

The House voted on a variety of bills dealing with financial regulations. As you might expect, most of them would deregulate some aspect of the financial industry. Here’s what came up for a vote:

- **[H.R. 1116](#): TAILOR Act of 2017** — According to the Library of Congress, this bill requires government regulatory agencies to “tailor any regulatory actions so as to limit burdens on the institutions involved” and to report to Congress on any such regulatory actions. That reporting requirement is retroactive and forces the agency to report on the actions taken in the past seven years. This bill came up for a vote on Mar. 14, 2018, and passed, 247–169. **Fitzpatrick voted YES.**
- **[H.R. 4263](#): Regulation A+ Improvement Act of 2017** — This bill raises the minimum rate under which some securities are exempt from reporting requirements. On Mar. 15, 2018, this passed in a 246–170 vote, and **Fitzpatrick voted YES.**
- **[H.R. 4545](#): Financial Institutions Examination Fairness and Reform Act** — This bill changes banking review processes at the Consumer Financial Protection Bureau (CFPB). It “requires the establishment of an independent internal agency appellate process at the CFPB for the review of supervisory determinations made at institutions supervised by the CFPB.” On Mar. 15, 2018, it passed in a 283–133 vote, and **Fitzpatrick voted YES.**
- **[H.R. 4566](#): Alleviating Stress Test Burdens to Help Investors Act** — This bill changes the Dodd-Frank financial regulation package to exempt “nonbank financial institutions” (NBFIs, i.e., brokerage and investment firms) from undergoing stress tests more than once per year. This passed in a 395–19 vote on Mar. 20, 2018, and **Fitzpatrick voted YES.**

H.R. 1625: Consolidated Appropriations Act, 2018

After five consecutive short-term spending bills since last September, the Congress has finally passed a bill to fund the government for 2018. As this is from nearly two weeks ago, it feels like ancient history. As such, I'll minimize the recapping. If you would like to read more about the bill's contents, see this [Vox](#) explainer. If you want to learn more about Sen. Rand Paul (R-Ky.) and his attempt to stall the bill, see this article from the [New York Times](#). And for more on President Trump's unfulfilled threat to veto the bill, please read this [Slate](#) piece.

On Mar. 20, 2018, the House took its [first vote](#), to consider the bill for no more than one hour and to disallow any amendments. This passed narrowly, 211–207. Most of the Republican “Freedom Caucus” joined with all but one Democrat (Rep. Fitzpatrick's “[bipartisan valentine, #CupidOnTheHill](#)” Rep Kyrsten Sinema [D-Ariz.]) to oppose this maneuver. **Fitzpatrick voted YES.**

That hurdle cleared, the 2,200-plus-page omnibus spending bill then came before the House. That [vote](#) was also held on Mar. 22, 2018, and it passed 256–167. The vote breakdown was surprising: Democrats voted 111 for and 77 against, while Republicans voted 145 for and 90 against. **Fitzpatrick voted YES.**

The spending bill then went before the Senate. The [vote](#) took place on Mar. 23, 2018, on the final day for which the nation's government was funded. The bill passed, 65–32. **Casey voted YES** and **Toomey DID NOT VOTE**. Senator Toomey made the following statement on his [website](#) (while never mentioning that he did not place a vote on the measure): “It's irresponsible that Congress would pass, with little debate, less transparency, and no opportunity for amendments, a two-thousand-page, trillion-dollar spending bill chock-full of wasteful and ineffective programs. This is a failure of one of our most fundamental responsibilities and it contributes to our huge deficit and dangerously mounting debt. Although I am pleased that Congress is providing additional resources to rebuild our military, bills like this inevitably spend too much money and much of it unwisely. The responsible way to fund the government is incrementally, after scrutiny and the opportunity to amend in a transparent process on the Senate floor.”

The government is now funded until September 2018. Despite reports in the lead-up to the negotiation process, any number of critical reforms and necessary legislative solutions (creating a path forward for the Dreamers, gun control, sexual harassment complaint process changes, Affordable Care Act marketplace stabilization measures) were NOT included along with this so-called “must-pass” legislation.

H.R. 1865: Allow States and Victims to Fight Online Sex Trafficking Act of 2017

<https://www.govtrack.us/congress/votes/115-2018/s60>

This is a seemingly uncontroversial bill that could have far-ranging consequences. The original bill was introduced last April by Rep. Ann Wagner (R-Mo.). As the bill's name implies, it would provide new remedies and tools to assist in fighting online sex trafficking. For example, under this bill, a website publisher/owner who distributes content related to sex trafficking could be held liable for damages. This concept of holding a website responsible for user content, represents a shift. Under [Section 230](#) of the Communications Decency Act (CDA), “No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.” Under this new bill, that would change. Some major websites, like Facebook, IGM and Oracle, support this bill. But the [Washington Post](#) reports that:

...some Internet groups, including Google, continue to oppose the law as dangerously broad and damaging to the landmark CDA, which they say enabled the growth of the Internet. The Electronic Frontier Foundation wrote that the new law would open websites to “increased criminal and civil liability at both the federal and state levels” and “would not require a platform to have knowledge that people are using it for sex trafficking purposes.”

The bill passed the House in late February, and on Mar. 21, 2018, it passed the Senate in a 9–2 vote. **Casey voted YES** and **Toomey voted YES**. No changes were made between the House and Senate version, so this now goes to the president.

S. 2155: Economic Growth, Regulatory Relief, and Consumer Protection Act

<https://www.govtrack.us/congress/votes/115-2018/s54>

This bill was introduced by Sen. Mike Crapo (R-Idaho), who chairs the Senate Banking Committee. It is a highly divisive piece of legislation: Supporters promote it as a bill to help community banks struggling under Dodd-Frank regulations, while opponents say that it chips away at the protections put in place to protect us from future financial meltdowns. GovTrack provided a useful [summary](#) of the bill, which:

- Permits banks with between \$50-\$250 billion in assets to run with less regulatory oversight from the Financial Stability Oversight Council (FSOC).
- Exempts banks with less than \$10 billion in assets from some rules entirely, most notably the so-called Volcker Rule, which bans banks from making some forms of speculative trades.
- Requires the Federal Reserve to take size of banks into account when crafting regulations, rather than “one size fits all” regulations, as critics contend the Fed has been doing for the past decade.
- Allows huge foreign banks to avoid regulations by tallying their U.S. assets in ways that keep them under that \$250 billion threshold. An amendment offered by Democrats to close this loophole was rejected.

Sen. Elizabeth Warren (D-Mass.) has been one of the bill’s most vocal critics. [Politico](#) reports her saying that, “The people in Congress may have forgotten the crash 10 years ago, but I guarantee that people across this country have not forgotten the pain that these giant banks caused. They do not want to see Congress move toward deregulating these banks.” The same article said that Warren, “...accused her colleagues of backing the legislation because of years of sustained bank lobbying in the wake of Dodd-Frank’s enactment.” But moderate Democrats, especially those in red states who are up for re-election this year, provided a different perspective. In the run-up to the final vote, Sen. Joe Donnelly (D-Ind.) made the following statement via [CNN](#): “After years of bipartisan work to advance regulatory relief for the community banks and credit unions across Indiana, I'm pleased that the full Senate will debate the legislative package I negotiated. This legislation would make it easier for Hoosier families to gain access to mortgages and small businesses to access capital, and it also includes important new consumer protections, such as free credit freezes, in response to the Equifax data breach.” If you would like to read more about what this bill could mean for consumers, please see this [MarketWatch](#) article titled “How the rollback of Obama-era financial regulations could affect you.”

In a vote held on Mar. 14, 2018, the bill passed, 6–31. **Casey voted NO** and **Toomey voted YES**. A review of how the Democrats voted shows that most of the 2020 presidential hopefuls (Harris, Booker, Brown, Sanders, Warren) voted against this bill, whereas most of the Red-state Democrats up for re-election this year (Heitkamp, Tester, McCaskill, Donnelly) voted for it. Our Senator Casey was a rare exception to that breakdown, as he opposed it despite facing a tough re-election battle. This bill now moves on to the House, where many fear that its deregulatory spirit will be strengthened. In light of the financial deregulation that the House has already passed, it appears that those fears are not unwarranted.

MORE Post-Parkland Gun and School safety legislation introduced

Since the school walkouts on Mar. 14, 2018, 03/14/18, legislators have introduced 18 more bills to deal with gun control and school safety. We are now tracking those bills separately on the [Lower Bucks Indivisible website](#), and those 18 bills will be added to our tracker this week.

For those of you who are more computer- than 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 to track the action of any Member of Congress, 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 or experience. Can you help us out? Please email KierstynPZ@gmail.com and put "MoCTrack Help" in the subject. Thanks!