

Week ending 04/15/18 - PA-08 MoCTrack Report

Tracking Congress in the Age of Trump

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

Senator Bob Casey — **30.9%** (no change from last report)

Representative Brian Fitzpatrick — **84.5%** (+**0.2%** from last report)

Senator Pat Toomey — **90.8%** (no change from last report)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index. One House vote on the balanced budget amendment was scored for the Index.

Words From Our Founders

"The constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, & most prone to it. It has accordingly with studied care, vested the question of war in the Legislature." — [James Madison](#), April 2, 1798, in a letter to Thomas Jefferson

Votes of Interest

H.J.Res. 2: Proposing a balanced budget amendment to the Constitution of the United States

<https://www.govtrack.us/congress/votes/115-2018/h138>

This is a constitutional amendment proposed by Rep. Bob Goodlatte (R-Va.). This bill would require a supermajority of three-fifths of both houses to approve a budget where spending exceeds government revenue. Similarly, it would require a three-fifths vote to raise the debt limit. An exception in the bill waives these requirements if a declaration of war is in effect. The resolution was brought to the floor on April 12, 2018, under a "suspension of the rules," so it needed two-thirds of the House to vote for the bill for it to pass. The motion did not get the required two-thirds, so it failed in a 233–184 vote. **Fitzpatrick voted YES.**

H.R. 4293: Stress Test Improvement Act of 2017

<https://www.govtrack.us/congress/votes/115-2018/h137>

This bill, introduced by Rep. Lee Zeldin (R-N.Y.), is a continuation of the banking regulatory push that resulted in the passage of several related bills last week. In the wake of the 2008 financial crisis, the Dodd-Frank bill of 2010 mandated that certain banks undergo regular [stress tests](#). A stress test is a procedure where both the bank's risk management group and the Federal Reserve performs an analysis "under unfavorable economic scenarios designed to determine whether a bank has enough capital to withstand the impact of adverse developments." This bill reduces the number of stress tests the banks must perform. In response to this bill, Rep. Maxine Waters (D-Ca.) [noted](#), "When we crafted Dodd-Frank, we mandated these stress tests and put in place other enhanced prudential guardrails for large banks to not only prevent damage to our economy but also help grow our economy. And they are working. But H.R. 4293 weakens the rigor and frequency of those stress tests, a move that simply makes no sense." The bill passed in a 245–174 vote on April 11, 2018. **Fitzpatrick voted YES.**

H.R. 4790: Volcker Rule Regulatory Harmonization Act

<https://www.govtrack.us/congress/votes/115-2018/h139>

This bill was introduced by Rep. French Hill (R-Ark.). The [Volcker Rule](#), named after a former chairman of the Federal Reserve, is a part of the Dodd-Frank bill that prevents depository banks (the kind most of us use) from investing in hedge funds, private equity groups or other risky enterprises. The rule was put into place to curb some of the excesses that led to the banking crisis. This bill exempts banks with less than \$10 billion in assets from the rule altogether, and gives all rule-making authority over the Volcker Rule to the Federal Reserve, an agency led by a political appointee. The [American Bankers Association](#) lauded the bill, saying it "provides proper safeguards while streamlining the process." Their executive vice

president, James Ballantine, added, “this much needed reform is long overdue.” The bill passed in a 300–104 vote on 04/13/18. **Fitzpatrick voted YES.**

On the Nomination PN1426: Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency

<https://www.govtrack.us/congress/votes/115-2018/s71>

The Senate voted this week to confirm a new deputy director of the Environmental Protection Agency. This position is particularly significant because the current administrator, Scott Pruitt, is under extreme scrutiny due to profligate spending and ethical lapses. If Pruitt were to be removed, the deputy administrator would take his place. Many commentators believe that the Trump administration has been holding off on removing Pruitt, despite having dismissed others for much less than what has been reported (e.g. [Tom Price](#) from Health and Human Services and [David Shulkin](#) from Veterans Affairs) because Pruitt has been such a good friend to the fossil fuel industry. That pattern is now being repeated in the nominee for the deputy EPA position. Andrew Wheeler, the nominee, was last employed as a lobbyist with a firm that represented Murray Energy, one of the largest coal mining companies. Prior to that, Mr. Wheeler worked as an advisor to Sen. James Inhofe (R-Okla.), a noted climate change denier. In response to this nomination, a spokesperson for the Environmental Defense Fund said, in the [Washington Post](#), “It is critically important that the public understand Wheeler’s career as a lobbyist for some of the worst actors in the energy industry. Andrew Wheeler running EPA would go far beyond having an administrator overly influenced by lobbyists — the head of EPA would be an energy industry lobbyist.” [CBS news](#) reported that Sen. Ed Markey (D-Mass.) observed, “Andrew Wheeler’s coal credentials are without equal. He is, without question, a member of the coal industry’s Hall of Fame. Sadly, I am concerned that Andrew Wheeler’s background means that he will never understand that saving coal is not the job of the EPA. It is the EPA’s job to regulate coal to protect public health and the environment.” [CBS News](#) also quoted the president of the Environmental Working Group, who observed, “Before the Trump administration, it would have been inconceivable that a coal and chemical industry lobbyist with a long history of hostility toward environmental policy would be the No. 2 at EPA.” Mr. Wheeler was confirmed to his new position on April 12, 2018, in a 53–45 vote. **Casey voted NO and Toomey voted YES.**

On the Nomination PN1395: Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor

<https://www.govtrack.us/congress/votes/115-2018/s69>

The Department of Labor oversees the enforcement of labor rights, including worker pay laws, the Family and Medical Leave Act (FMLA), the Occupational Safety and Health Act (OSHA), and a variety of other laws that protect the workers of America. [Mother Jones](#) reported on the nominee, Patrick Pizzella, and his work in the 1990s with the law firm Preston Gates, run by disgraced lobbyist Jack Abramoff. The Leadership Conference on Civil and Human Rights, a coalition of approximately 200 national advocacy organizations, wrote a [letter](#) to the Senate to oppose the nomination of Mr. Pizzella. They succinctly explain the problematic work of the nominee and his connection to Abramoff, noting,

Mr. Pizzella worked closely with Jack Abramoff to lobby for policies on the Commonwealth of Northern Mariana Islands that essentially allowed for unchecked slave labor to be performed with the imprimatur of the “Made in the U.S.A.” label on goods and clothing. At his hearing, Mr. Pizzella repeatedly refused to offer straightforward answers to simple questions posed by Senators and provided no real assurances that he is committed to protecting the rights of workers.

The Senate confirmed Mr. Pizzella in a 50–48 party-line vote on April 12, 2018. **Casey voted NO and Toomey voted YES.**

On the Nomination PN1443: John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years

<https://www.govtrack.us/congress/votes/115-2018/s67>

In another move that is sure to hamper the rights of workers around the nation, the Senate confirmed John F. Ring to the National Labor Relations Board (NLRB). This five-member board is now under Republican control, with three Trump appointees and two remaining from the Obama administration. In a [previous MoCTrack report](#) we explained that the NLRB is “likely to consider a number of significant legal

issues once the final vacancy is filled.” The [Wall Street Journal](#) reports that Mr. Ring is an employment-law attorney with Morgan, Lewis & Bockius LLP. The [National Law Review](#) explains the significance of Mr. Ring’s confirmation:

A New Republican Majority is Expected to Continue to Revisit ObamaEra Decisions Overruling Long Standing Precedents — During December 2017, the Board issued a number of significant decisions, overruling Obama-era decisions including overturning Browning-Ferris Industries and returning to a more traditional test for determining whether two businesses are joint-employers, adopting new standards for determining whether facially neutral employer policies and handbooks unlawfully interfere with employees’ Section 7 rights...and other decisions seen as tilting the Board’s administration and interpretation of the National Labor Relations Act in favor of unions... There Are a Significant Number of Important Issues the Board’s General Counsel Plans to Ask the Board to Reexamine Once... a Republican Majority Is in Place”

The Senate confirmed Mr. Pizzella in a 50–48 party-line vote on April 12, 2018. **Casey voted NO** and **Toomey voted YES**.

MoC Twitter Action

Senator Bob Casey hot topics: The senator sent a long tweetstorm regarding the President’s actions in Syria, observing that the Authorization for Use of Military force that is being used to justify this action needs revisiting. He also touched on Equal Pay Day, fair housing, ending gun violence, food stamps and Medicaid.

Casey tweet of the week, 04/11/18: “In light of @realDonaldTrump’s continued attacks on Mr. Mueller, this bears repeating...Mr. Mueller’s lifetime of service reflects his commitment to serving the American people with honor, integrity and courage.”

Representative Fitzpatrick hot topics: The representative started the week by noting that the Office of the Inspector General should investigate the accusations against Scott Pruitt at the Environmental Protection Agency. Most of the rest of his Twitter output concentrated on the bills he has sponsored that have passed, related to scholarships for the children of fallen first responders and protecting children from cyberstalkers. He also promoted the award he received from the American Bar Association and the 60 Plus Association.

Fitzpatrick tweet of the week, 04/11/18: “@SpeakerRyan is an amazing leader, but more importantly, an amazing human being. A good, decent, honorable man with a huge heart & a passionate soul. I look up to him in so many ways, most importantly as a friend. His days in public service are not over, that I can assure you.”

Senator Pat Toomey hot topics: The senator tweeted several times about the developments in Syria. At the start of the week he said it was “past time” for action to be taken to punish Bashar al-Assad. By the end of the week, he expressed a hope that the bombing would bring an end to the weapons program in Syria. He also tweeted about the benefit of the GOP tax plan, a push to limit the Consumer Financial Protection Bureau’s (CFPB’s) ability to regulate auto loans, and legislation related to sex trafficking and animal abuse. He shared a thread on his sadness at losing Paul Ryan in the Congress.

Toomey tweet of the week, 04/12/18: “This is just the beginning. We’re only three and a half months into this. We haven’t yet even begun to reap the benefits as a country, as a society, of this reformed tax code. https://youtu.be/bA02XxyZb_U #TaxReform”

Honorable mention, lawmaker

From @SenSherrodBrown (D-Ohio) on 04/14/18: “It’s past time for the President to present a long-term strategy to the American people, and he must win their support before taking further military action. We’ve

learned from the past that a military strike without a diplomatic plan will leave us right back here again a year from now.”

Honorable mention, media

From @HuffPost, Huffington Post, on 04/14/18: “President Trump is the one responsible for denying a safe haven in the United States to the Syrian refugees most in need. The U.S. has resettled only 44 Syrian refugees since October.” (shared with an [article](#) titled “Trump Condemns ‘Sick’ Syria Disaster Yet Slams The Door On Countless Refugees”)

Honorable mention, The Resistance

From @MoveOn on 04/14/18: “Lawmakers have failed not only 800,000 Dreamers, but their loved ones, friends, community members, employers & the 86% of Americans who stand with them. Call Congress & demand they #ProtectDreamers TODAY. #DACA <http://bit.ly/2BunKXs> #HereToStay #HereToFight”

President Trump authorizes bombing in Syria, our MoCs respond:

Senator Bob Casey, 04/14/18, via Twitter:

“In April of 2017, when the Trump Administration first carried out strikes against Syrian forces in response to the use of chemical weapons, I said that additional action required an authorization from Congress. Despite being in office for fifteen months, the Administration has not taken steps to outline a comprehensive strategy for Syria. Further, the Administration has failed to request an authorization from Congress for further military action against Assad’s regime. There is no purely military solution to the Syrian conflict. What’s needed is a diplomatic plan to bring an end to this crisis and hold the Syrian government, the Russians and the Iranians fully accountable for their conduct. Continued violence in Syria creates a safe haven for terrorists and emboldens our adversaries, Iran and Russia. Sporadic missile strikes and saber rattling on Twitter by President Trump is not a strategy.

“The Administration should seek an authorization for the use of military force (AUMF) by Congress if it wants to continue to military actions against Syrian forces - the same way President Obama sought authorization in 2013 in a similar circumstance involving Syria. Beyond the immediate situation in Syria, it’s time for a sustained debate and vote on a new AUMF that allows our nation to destroy terrorists and fight threats to U.S. national security, but doesn’t result in endless war. The 2001 and 2002 AUMFs, which authorized military action in Afghanistan and Iraq, are outdated and must be replaced.”

Representative Brian Fitzpatrick, 04/14/18, via his website:

“Last night’s precision air strikes on targets in Syria associated with the Assad regime’s chemical weapons program send a clear message that the U.S. and the international community will not stand by as a dictator murders innocent civilians, including countless women and children, in cold blood. The use of these weapons is a blatant violation of international law and can in no way, shape or form be ignored or acquiesced to.

“Moreover, the administration was correct to call out Russia and Iran whose support of the Assad regime places them at odds with the civilized world.

“The U.S. - in collaboration with our allies - must sustain our pressure for peace through all available channels. My colleagues on the Foreign Affairs Committee and I will continue to closely monitor this situation and work closely with the administration to ensure a clear path forward is articulated and agreed to in Congress.”

Senator Pat Toomey, 04/13/18, via his website:

“I hope the actions taken tonight will bring a permanent end to Bashar al Assad’s chemical weapons program and dissuade him from ever pursuing them again. I await a briefing on the scope and success of the mission.”

Casey in the News

“We have had tremendous job loss in Pennsylvania when China cheats on trade, when they cheat on trade-related matters, when they cheat on currency, when they cheat on intellectual property. We pay the price. We lose jobs.”

— from an [OZY](#) article on trade policy titled “How Trump is Winning over Democrats, Losing Republicans”

“As a lawyer, David Porter has advocated legal theories that stack the deck against workers, deny Pennsylvanians access to health care and undermine the equal protection of our laws for all Americans.”

— from a [Pittsburgh Post-Gazette](#) article on a Trump nominee to the 3rd Circuit Court of Appeals (which covers Pennsylvania), titled “Trump nominates Pittsburgh attorney to U.S. Circuit Court.”

Fitzpatrick in the News

(courtesy of contributor Gail Friedman)

Opioids and Campaign ‘18

In the [April 12 issue of *The Centurion*](#), the Bucks County Community College student newspaper, in an article titled “Republican Representative Fitzpatrick Seeks Another Chance, Stresses Cybersafety, Opioids,” reporter Gabby Houck covered a speech that Rep. Fitzpatrick gave on March 27 at the Doylestown Rotary Club. Fitzpatrick told the Rotarians that the three themes of his campaign would be the opioid epidemic, cybersecurity and school safety. “This isn’t an easy battle, there’s people that aren’t interested in financing the solution, they don’t want to make the investment,” he said regarding the opioid crisis. “But I don’t think money should be an issue, you can’t put a cost on human life.” He was introduced by his brother’s name, and according to the news article, “took it in stride with a giggle, saying it happens more often than you might think...” He invited his listeners to visit him in Washington, D.C., saying “I’d much rather see you guys down there than the people I normally have to see.”

Transportation safety and the federal budget

Rep. Fitzpatrick’s comments on a possible shortfall in funding for Transportation Safety Administration equipment were included in an article titled “Trump’s proposed FY 2019 budget request leaves TSA short, oversight subcommittee says” in the [April 12 issue of *Transportation Today*](#), an online industry publication. The article concerned debate over the president’s proposed FY 2019 budget allocation of \$46 billion for the Department of Homeland Security, which would include \$7.7 billion for the TSA. The budget proposal increases passenger fees by a dollar per person, while reducing funding for some TSA programs. Fitzpatrick said there was a shortfall in money needed to install 3,000 CT scanners at 450 airports nationwide. “That’s about \$1.3 billion in passenger fees to pay for all of them,” Fitzpatrick said. “But those funds are ear-marked for debt reduction instead.” Another committee member, Bonnie Watson Coleman (D-N.J.), said the budget would channel homeland security money to the border wall while diminishing passenger safety programs.

The Mueller Investigation

In an [April 10 *Courier-Times* article](#) related to the Republican primary and headlined, “Rep. Brian Fitzpatrick to Donald Trump: ‘Stop attacking the FBI,’” Fitzpatrick expressed support for the Mueller investigation and for his own former employer, the FBI. He said Mueller should be allowed to finish his investigation, adding “Don’t attack the FBI. We need the FBI to have high morale. We need to defend them.” Fitzpatrick’s opponent in the primary, Dean Malik, said Mueller should be fired.

Toomey in the News

“We need to kill this thing all together.”

— discussing the Consumer Financial Protection Bureau, in a [Reuters](#) article titled “U.S. senate panel plans to repeal auto lending rules: Toomey”

“[Richard] Cordray is gone. What an enormous improvement.”
— on the departure of the former CFPB leader appointed by President Obama, who resigned in November, as reported by a [TODAYOnline](#) article titled “U.S. senate panel plans to repeal auto lending rules”

Legislation of Interest

H.R. 2: Agriculture and Nutrition Act of 2018

<https://www.govtrack.us/congress/bills/115/hr2/text>

This bill is commonly known as “The Farm Bill.” Traditionally, it is introduced by the Chairman of the House Committee on Agriculture, currently Rep. Michael Conaway (R-Tex.). It is a voluminous bill, setting up the budget and policy for the next five years. It covers issues ranging from agricultural subsidies to food stamps. This bill is normally a bipartisan initiative, but that tradition seems to have been discarded for this iteration of the bill. After the bill’s release, the Center on Budget and Policy Priorities released a [statement](#) saying that:

The nutrition provisions of the farm bill that House Agriculture Committee Chairman Michael Conaway unveiled today would, if enacted, increase food insecurity and hardship. The significant proposed changes to the Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps) would end or reduce benefits for a substantial number of low-income people. Coming just four months after a tax-cut bill that will cost \$1.9 trillion over ten years (including interest costs) and lavishes tax cuts on wealthy individuals and large, profitable corporations, the SNAP proposals would further widen the nation’s economic divide.

If food insecurity is a subject that is of interest to you, you may want to prioritize contacting Rep. Fitzpatrick to register your objections to the SNAP/food stamp changes included in the Farm Bill. You may want to follow the link to the statement referenced above, as it explains in detail the proposals in the bill and how they are not consistent with evidence about the current SNAP program.

H.R. 5469: To amend the Ethics in Government Act of 1978 to require Members of Congress to disclose business ties with foreign entities

<https://www.govtrack.us/congress/bills/115/hr5469/text>

This bill was introduced by Rep. Bill Posey (R-Fla.) and it is pending in the House Administration Committee. It does not yet have any cosponsors. The bill is very short; it would simply add a provision that requires Members of Congress to disclose business ties to foreign entities that they or their family members may have. Then, if they do have such ties, they need to provide details about it. This is an attempt to enshrine into law one of those “norms” that we talk about all the time that many of us thought were laws.

H.R. 5442: A Fast-Tracked Executive Rescission Review (AFTERR) of Appropriations Act of 2018

<https://www.govtrack.us/congress/bills/115/hr5442/text>

This bill was introduced by Rep. Ralph Norman (R-S.C.) and it is pending in both the House Rules and the House Budget committees. It does not yet have any cosponsors. This bill is an odd piece of work, as it attempts to go around an existing Supreme Court Decision. In 1998, in [Clinton vs. City of New York](#), the Supreme Court found that a line item veto is unconstitutional. A line item veto is when the Congress passes a bill, but the President chooses to not reject the entire bill, but only a small portion of it. This was used mostly for budgets, when a President might object to one provision. The Supreme Court decided that since the Congress has the sole responsibility to compose and pass bills, it is not acceptable for the Executive branch to amend bills by taking them apart piece by piece. To bypass this decision, this new bill creates a process where the President can object to individual provisions of a bill and pass that information back to Congress. Then that objected part of the already-passed legislation would receive, in the words of the bill, “expedited consideration” by the Congress. If you object to this Congress attempting to bypass both the ruling of the Supreme Court and the Constitution, and dismantle the separation of

powers as designed by our nation's Founders, you may want to contact Rep. Fitzpatrick to object to this bill.

S.J.Res. 57/H.J. Res. 132: A joint resolution 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 "Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act"

<https://www.govtrack.us/congress/bills/115/sjres57/text>

<https://www.govtrack.us/congress/bills/115/hjres132/text>

This joint resolution is one of those legislative efforts that lets Congress quash a regulation enacted by a bureaucratic entity. We recently looked at a similar action when Congress stopped the Consumer Financial Protection Bureau (CFPB) from banning the practice of forced arbitration. Congress is taking on the CFPB again with this resolution, but this time the target is a rule relating to auto loans. In 2013 the CFPB put into place [a rule that regulates dealer mark-ups](#) — i.e., when the auto dealer charges a higher interest rate than a third-party lender charges. The details are someone wonky and deeply tied into knowledge of financial regulations, but in essence, the CFPB was making car dealers follow lending rules the way banks would, since the dealers were fulfilling a financial role. Late last year, the [Government Accountability Office](#) (GAO) decided that this rule, which had not been previously reviewed by Congress, was subject to the Congressional Review Act. In effect, this bill is yet another way the Congress is chipping away at the work that is being done to protect consumers, and stripping responsibilities from the CFPB. If this is a concern to you, please contact any of your three Members of Congress to let them know, as this legislation is concurrently pending in both houses.

S. 2644: Special Counsel Independence and Integrity Act

<https://www.govtrack.us/congress/bills/115/s2644/text>

This bill was introduced this week by Sen. Lindsey Graham (R-S.C.), and it is cosponsored by Sen. Thom Tillis (R-N.C.), Sen. Cory Booker (D-N.J.) and Sen. Chris Coons (D-Del.). It is pending in the Senate Judiciary Committee. Each of these four senators had previously been broken out into bipartisan pairs, and had sponsored their own efforts to protect the Special Counsel via legislation that had matched measures in the House. Now the four have joined together and combined their bills into one broader piece of legislation. In this new bill, per the [Library of Congress](#), a Special Counsel may only be removed "...by the Attorney General or the most senior Senate-confirmed DOJ official, in certain circumstances; may only be removed for misconduct, dereliction of duty, incapacity, conflict of interest, or other good cause; must be provided written notice that specifies the reason for removal; and may file an action to challenge the removal not later than 10 days after notice was provided." Senate Majority Leader Mitch McConnell (R-Ky.) is still insisting that protecting the Special Counsel legislatively is not necessary, as reported in [The Hill](#). According to the [New York Times](#), Sen. Chuck Grassley (R-Iowa), the head of the Senate Judiciary Committee, has committed to bring this bill to a vote in committee in defiance to the stated wishes of Sen. McConnell. While this issue brews, [reports](#) continue to come out that President Trump has tried to end the Special Counsel's Russia-election meddling investigation. If you are concerned about the integrity of the Special Counsel's work, please call both Senators to let them know you would like them to support this bill.

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!