

## Week ending 05/13/18 - 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 **30.0%** (no change from last report)

Representative Brian Fitzpatrick — **84.7%** (**+0.2%** from last report)

Senator Pat Toomey — **91.0%** (no change from last report)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index, by comparing any bills where President Trump has stated a position, and comparing the vote of the legislator to that opinion. The only vote scored this week was the quashing of a Consumer Financial Protection Bureau (CFPB) rule addressing discriminatory auto lending.

### Words From Our Founders

"It is not unfrequent to hear men declaim loudly upon liberty, who, if we may judge by the whole tenor of their actions, mean nothing else by it but their own liberty, — to oppress without control or the restraint of laws all who are poorer or weaker than themselves."

— [Samuel Adams](#), essay published in *The Advertiser* (1748), as excerpted from *The Life and Public Service of Samuel Adams* (1865), Volume 1, p. 22, by William Vincent Wells

### Votes of Interest -

#### On Motion to Table: H RES 878

<https://www.govtrack.us/congress/votes/115-2018/h172>

About two weeks ago, the chaplain of the House of Representatives offered a letter of resignation at the behest of the Speaker of the House, Paul Ryan. For more on that tempest, this [CNN](#) article is a good source. The chaplain has since been reinstated. Last week, Rep. Joseph Crowley (D-N.Y.) introduced a resolution that would have created an ethics investigation into the events that culminated in the resignation. On May 8, 2018, a motion to table this resolution was brought to the floor; that means they were voting on dismissing the resolution so that there would be no ethics investigation into Speaker Ryan's action. Apparently this motion to table led to some [heated exchanges](#) on the floor, including shouting, finger pointing and table banging. The motion to table passed in a 223–182 vote. **Fitzpatrick voted YES** (against the investigation).

#### **S. J. RES. 57: 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/votes/115-2018/h171>

If the long name of that legislation sounds somewhat familiar, it is because this resolution was fast-tracked after a vote in the Senate a few weeks ago. At the time I noted that this is a somewhat complicated path for legislation and warrants a bit of procedural background. In 2013 the Consumer Financial Protection Bureau (CFPB) introduced a rule that limited discriminatory auto lending practices. Then, in late 2017 the Government Accountability Office ruled that although this rule had been in effect for four years, the Congress could exert oversight of the rule via the Congressional Review Act. That's the tool they used to get rid of Obama-era laws related to [gun control](#) and [wildlife protection](#). Senator Toomey was active in supporting the current effort to keep the CFPB from continuing to implement this anti-discriminatory rule. In the statements on his [website](#), Toomey refers to the CFPB's action regarding auto lending as "overreaching" and "overstepping." The Senate voted on April 18, 2018, to quash this CFPB regulation in a 51–47 vote. **Casey voted NO and Toomey voted YES**. This passed the House on May 8, 2018, with a 234–175 vote. **Fitzpatrick voted YES**.

## **H.R. 2152: Citizens' Right to Know Act of 2018**

<https://www.govtrack.us/congress/votes/115-2018/h175>

This is a bill that Rep. Ted Poe (R-Texas) introduced in April. The Leadership Conference on Human and Civil Rights has [serious concerns](#) about the bill:

The Citizens' Right to Know Act requires jurisdictions receiving funds from the Department of Justice (DOJ) to report to the Attorney General the names, arrest records, and appearance failures for those participating in DOJ funded pretrial services programs. The legislation allows the Attorney General to make public the names, arrest records, and failure appearances that jurisdictions report.... The bill requires that the Attorney General penalize noncompliant jurisdictions by denying them 100 percent of the DOJ grant program funds that are used to support pretrial services programs.

The [Professional Bail Agents of the United States](#) aggressively supported this bill. In a letter urging members to call their Congresspeople to express that support, they claimed "passage of HR 2152 could stop the 'bail reform' movement in its tracks." On the other side of the issue, the [American Civil Liberties Union](#) (ACLU) sent a letter to Congress opposing the bill. Among their concerns were "...that the Citizens' Right to Know Act would collect and publicly report personally identifiable information of individuals participating in pretrial services programs—individuals who have not been convicted of a crime given their pretrial status." The ACLU also feels this bill would adversely affect the bail reform movement:

The Citizens' Right to Know Act is inconsistent with bipartisan efforts to reform money bail systems, like the Pretrial Integrity and Safety Act, which the ACLU endorses. By collecting and reporting only certain data about pretrial services programs and those participating in them, the Citizens' Right to Know Act will depict a one-sided picture of pretrial services programs and participants. For example, the legislation's focus on when an individual has failed to appear promises a negative narrative around the pretrial stage. If this bill were serious about measuring the true impact of pretrial services programs, it would collect a more robust data set and not that which is of interest only to the bail bonds industry. **The ACLU supports bail reform that corrects the injustice of basing a defendant's release on how much money the person has.** Instead of considering the Citizens' Right to Know Act, the Committee should take up the Pretrial Integrity and Safety Act. This legislation would incentive jurisdictions to reform their money bail systems through federal resources rather than penalize them like the Citizens' Right to Know Act, which denies DOJ grants to noncompliant jurisdictions.

Despite these serious concerns, the bill passed the House in a 221–197 vote on May 9, 2018. **Fitzpatrick voted YES.**

## **H.R. 5645: Standard Merger and Acquisition Reviews Through Equal Rules Act of 2018**

<https://www.govtrack.us/congress/votes/115-2018/h177>

This bill was introduced last April by Rep. Karen Handel (R-Ga.), the winner of last year's special election against Jon Ossoff. This is a seriously wonky bit of legislation (for all the nerdy details, see this [piece](#)) that would reduce government oversight into big corporate mergers. It would also require the Federal Trade Commission to oppose proposed mergers through federal court instead of just performing a quicker and less expensive administrative review. This kind of bill makes it easier for monopolies to flourish. The Open Markets Institute, a center-left think-tank that spun off of the New America Foundation to address anti-trust issues, sent a [spirited letter](#) opposing the bill to the House. It said, in part:

After close review, the Open Markets Institute has concluded that the bill would dangerously reduce the Federal Trade Commission's ability to protect American citizens from concentrations of power that threaten them politically and economically. Worse, it would do so exactly at a moment when we need a stronger and more active FTC... Increasing monopolization is a main driver of destructive trends ranging from increasing regional and personal inequality to the loss of privacy and the erosion of institutions essential to democracy. Consolidation and monopolization affect every aspect of our political economy... H.R. 5645 would be a major step in the wrong direction. It would curtail the FTC's ability to address such consolidation just when this authority is most essential.

The House voted on this bill on May 9, 2018, and it passed, 230–185. As would be expected for a pro-corporate, anti-regulation measure, **Fitzpatrick voted YES.**

## On the Nomination PN1405: Michael B. Brennan, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit

<https://www.govtrack.us/congress/votes/115-2018/s89>

The Trump Administration just keeps pushing through controversial judicial nominees. The [Milwaukee Journal Sentinel](#) reports that Michael Baldwin, a local attorney, is filing a judicial seat that has been held open since 2010. His nomination proceeded without having received back a blue slip from one of his Senators (you can read more about that in one of our archived [Learning about Legislation](#) segments from 2017). The [Alliance for Justice](#) objected to Brennan's nomination, observing:

Brennan's record is problematic and renders him unfit to serve on the Court of Appeals. Brennan's record and writings indicate that he holds a singularly troubling belief: that conservative judges should not follow precedents they disagree with. Along with archconservative judge Robert Bork, Brennan embraces the notion of the "anti-evolutionary purpose" of the Constitution, which raises questions about his own views of some of our nation's most important Supreme Court cases. Not only that, Brennan has advocated for conservative judges to go farther and to take an active role in invalidating congressional actions with which they disagree, such as those that protect civil rights. He has celebrated Supreme Court decisions that have weakened civil rights, and encouraged conservative judges to be more vigorous in overturning acts of Congress. He has called for unchecked executive power and sought to weaken rights of criminal defendants...

...With regard to the rights of women and LGBTQ people, Brennan shares with other Trump judicial nominees a history of disturbing statements and actions. He has written derisively of the concept of a "glass ceiling" that prevents the advancement of women, expressing skepticism of such a "notion" that "rules were rigged" against some segments of society. As chair of Governor Scott Walker's state judicial selection commission, Brennan was responsible for selecting Supreme Court justices who referred to LGBTQ persons as "degenerates"; said that gay people who died of AIDS "deservedly receive none of my sympathy"; mocked the rights of women; and compared affirmative action to slavery.

In a vote on May 10, 2018, Michael Brennan was confirmed, 49–46. **Casey voted NO** and **Toomey voted YES**.

## MoC Twitter Action

**Senator Bob Casey hot topics:** The senator started the week focused on health issues, including President Trump's proposal to claw back Children's Health Insurance Program (CHIP) funding and the Senate Committee on Aging's hearings on rising insulin costs. Mid-week he focused on the Trump administration's decision to withdraw from the Iran deal, a decision he opposed. He also promoted the Senate effort to save Net Neutrality (more on that in the Legislation of Interest section). By week's end he was focused on addressing the opioid epidemic and returned to tweeting frequently about the benefits of CHIP.

**Casey tweets of the week, 05/10/18:** "Just introduced the Farm to Food Bank Act. This legislation is designed to establish food recovery networks in each state to incentivize farmers to donate their product directly to food banks to be distributed to those in need."

— shared with a link to a his [press release](#) on the new bill, titled "Casey Looks to Fight Hunger, Address Food Waste"

**Representative Brian Fitzpatrick hot topics:** The representative only shared two tweets this week. The first was a retweet of a "thank you" message he received for supporting The Build Act, a bill that facilitates private business investment in countries that need economic assistance. The other tweet was an image of a portion of his statement about the release of three prisoners from North Korea, an excerpt that was quite complementary to the Trump administration.

**Fitzpatrick tweet of the week, 04/30/18:** "Terrific news today with the release of 3 American Prisoners held in N. Korea"

— shared with a [link](#) to his statement on the prisoner release

**Senator Pat Toomey hot topics:** The senator shared several of his press releases via Twitter. Subjects included the President's decision to withdraw from the Iran deal and Toomey's support for removing standards requiring gasoline to include ethanol (as opposed to being 100-percent fossil fuel). He shared a *Pittsburgh Post-Gazette* review of a book about Trump voters. The majority of his policy-related output dealt with his open letter to the President, threatening Trump should the president attempt to unilaterally withdraw from the North American Free Trade Agreement (NAFTA). He shared the article twice in two days.

**Toomey tweets of the week, 05/11/18:** "The Trump admin will soon unveil a "new" #NAFTA. Even with protectionist features, congressional Dems are unlikely to vote for @POTUS's #NAFTA 2.0. He will need support of pro-trade Republicans to ensure passage. Read my @WSJopinion op-ed"

— shared with a link to his [Wall Street Journal](#) op-ed (which is behind a paywall) titled "Don't Try to Blackmail Us on Nafta, Mr. President."

#### **Honorable mention, lawmaker**

From @JoshShapiroPA, our state attorney general, on 05/07/18: "We're investigating allegations of 'redlining' in Philadelphia neighborhoods. Thanks to @SenatorHughes for his leadership on this disturbing matter. If you've been a victim of mortgage discrimination we want to hear from you. Contact: discrimination@attorneygeneral.gov"

— shared with an [image](#) from an article from the [Philadelphia Inquirer](#) titled "Redlining is still keeping home ownership away from minorities"

#### **Honorable mention, media**

From @Dan Rather, on 05/11/18: "I remember living through some of this nation's darker moments. It's important not to minimize the threats of the present but also not to look at our past through rose-colored glasses. A great weekend read by the always insightful @ezraklein #Steady"

— shared with a link to Ezra Klein's [VOX](#) article titled "American democracy has faced worse threats than Donald Trump"

#### **Honorable mention, constituent response**

From @WigglyButtz, on 05/12/18: "Any opinion piece you wrote needs to include a point by point argument of how you will personally benefit from the position. Your only opinion is always based 100% on how it helps you personally. Any help otherwise is merely a side effect in your world."

— in response to Senator Toomey's aforementioned tweet about his [Wall Street Journal](#) op-ed on NAFTA

## **Our MoCs respond to President Trump's decision to pull out of the Iran deal**

### **Bob Casey, 05/08/18, via his website:**

"I strongly disagree with the President's decision to end U.S. participation in an agreement that constrains Iran's nuclear program and helps prevent the regime from obtaining a nuclear weapons capability. U.S. military officials, past and present, have said that Iran is complying with the nuclear agreement and that it is in the best national security interest of our nation to keep it in place. This Administration's national security leadership has repeatedly confirmed this. On October 3, 2017, Secretary of Defense Jim Mattis spoke about the agreement and said, "I believe at this point in time, absent indications to the contrary, it is something the President should consider staying with." In testimony before Congress in April 2018, Secretary Mattis specifically referred to the intrusive nature of our ability to examine Iran's nuclear capabilities.

"In the Senate, I led efforts to sanction and hold the Iranian regime accountable for its pursuit of a nuclear weapons capability, its development of ballistic missiles and its support for terrorist proxies. I supported the Joint Comprehensive Plan of Action (JCPOA) because it was the best

available option to substantially constrain Iran's nuclear ambitions and to improve oversight of their technology. At that time, Iran's breakout time was only a matter of months. I have also worked to ensure full verification and enforcement of the Iran nuclear agreement and strongly counter their non-nuclear destabilizing actions. Pursuant to the Iran Nuclear Agreement Review Act, the Administration is required to report to Congress if there is a breach of the deal. That has not yet happened.

"By taking a step that violates the JCPOA, President Trump has taken a drastic step that will increase the possibility of Iran resuming its pursuit of a nuclear weapon and make it much more difficult to reach a diplomatic agreement to constrain North Korea's nuclear program."

**Brian Fitzpatrick, 05/08/18, via his website:**

"The nuclear deal with Iran, the world's largest state-sponsor of terror, was misguided from the start. Leading up to, and following its enactment there have been serious concerns regarding its enforcement, stipulations and side-deals. The deal does not prevent Iran from obtaining a nuclear weapon. It does not allow 'anywhere, anytime, 24/7 access' inspections. It does not stop Iran's pursuit of intercontinental ballistic missiles. As the world largest-state sponsor of terror, Iran received an infusion of cash to support more of its terror activities around the world. This bad deal was rammed through despite the bipartisan objection of Congress and overwhelming majority of the American people."

**Pat Toomey, 05/08/18, from website:**

"I support U.S. withdrawal from the flawed, dangerous Iran nuclear deal. The conscious decision by the Obama Administration to push through this agreement, even with bipartisan majorities in the House and Senate opposing it, should have been a clear indication this arrangement jeopardized our security. In addition to paving the way for Iran to develop nuclear weapons in a few short years, the JCPOA provided immediate sanctions relief and \$100 billion to the world's leading state sponsor of terrorism."

"The administration's action necessitates that the President and Congress reestablish the previous sanctions regime and develop new, harsh sanctions to hold Iran accountable not only for its attempts to develop nuclear weapons, but for its grotesque human rights abuses, openly hostile aggression in the Middle East, extensive ballistic missile testing, and support for terrorism."

## **Casey in the News**

"This proposal is a shameful betrayal of children. This Administration and congressional Republicans passed a massive tax giveaway to their donors and big corporations, and now they want vulnerable children to pay for it. This is absolutely unacceptable. I will continue to fight for CHIP funding, and I hope Republicans will join me."

— from a [States Top Leading News](#) article titled "Pennsylvania News: Governor Wolf and Senator Casey oppose White House CHIP, Health Care Cuts"

"Pennsylvania farmers do a great deal to keep us fed, create jobs and drive our economy. The Farm to Food Bank Act is an important step in combatting food waste and will help both our farmers and those most in need by implementing commonsense steps to respond to the problems confronting food producers and feed hungry Americans. If my colleagues are serious about tackling food waste and hunger, I urge them to support swift passage of this legislation and its inclusion in the Farm Bill."

— from a [MyChesCo](#) article titled "Casey Looks to Fight Hunger, Address Food Waste"

"I just wish the administration, when they're going to claw back money for the budget, would look to other sources of revenue. It's pretty hard to make that argument that they're making when they gave away the store to rich people and big corporations in the tax bill. We're going to be paying for that tax bill for a generation or more."

— from a [Pittsburgh Post-Gazette](#) article titled "Casey says Dems will battle cuts to children's insurance program"

## Fitzpatrick in the News

"...as a medical layman, I was quite concerned to learn from my constituents that the gynecology specialty may not be performing any adequate uterine tumor biopsies in order to make a best attempt at identifying the American women at risk of having occult cancers. The question for CDC is whether gynecologists are doing enough to identify at risk women."

— an excerpt of Representative Fitzpatrick's letter to the Center for Disease Control, as reported in a [Ripon Advance](#) blog post about a CDC investigation spurred by the Congressman's letter

"It is my firm belief that, with the support of the president and our bipartisan group of freshman members, we can address this 'root issue' of systemic corruption once and for all, and we can make a real, lasting change to business as usual in Washington."

— from a [Bucks County Courier Times](#) article titled "Rep. Brian Fitzpatrick, bipartisan group introduce term limit legislation"

## Toomey in the News

"NAFTA wasn't a treaty. It's an agreement. The president doesn't have any more authority to repeal that law any more than he has authority to repeal Obamacare or change taxes."

— from a [CNBC](#) piece titled "GOP Sen. Pat Toomey: President Trump doesn't have the authority to exit NAFTA"

"Pulling out of Nafta by executive fiat would be economically harmful and unconstitutional. The Framers reserved trade policy for Congress, which has the express authority to establish tariffs and regulate commerce with foreign nations. A president who unilaterally withdrew from Nafta would be directly regulating foreign commerce, imposing significant disruptions on the economy, and infringing on Congress's status as a coequal branch of government."

— from Sen. Toomey's [Wall Street Journal](#) Op-Ed titled "Don't Try to Blackmail Us on Nafta, Mr. President"

## Legislation of Interest:

### **H.R. 5760: To provide for congressional review of the imposition of duties and other trade measures by the executive branch**

<https://www.govtrack.us/congress/bills/115/hr5760>

This is a bill that was introduced by Rep. Ron Kind (D-Wis.) on May 10, 2018. It is pending in the House Rules and Ways and Means Committees, but our representative is not a member of either group. The bill currently has bipartisan co-sponsors — two Republicans and one Democrat, including the retiring GOP Rep. Charlie Dent from the Allentown area. In a way, this bill shares a foundation with the *Wall Street Journal* Op-Ed that Senator Toomey wrote this week. The bill cites the portion of the Constitution that gives Congress power over foreign trade. It also requires the President to report on all all trade authorities delegated to him by Congress, including economic impact studies, so that Congress can vote to either approve or nullify the actions. As Rep. Kind notes on his [website](#), "Major overhauls to trade policy are not successfully completed without full collaboration and cooperation between the Administration and Congress. It's time that Congress steps up to the plate, and uses the powers granted by our Constitution

to collaboratively shape U.S. trade policy.” If this issue of separation of powers and Congress reasserting its constitutional responsibilities motivates you, please consider asking Representative Fitzpatrick to co-sponsor this bipartisan bill.

### **H.J.Res. 134: Proposing an amendment to the Constitution of the United States to limit the number of terms an individual may serve as a Member of Congress**

<https://www.govtrack.us/congress/bills/115/hjres134/text>

This is a joint resolution that was introduced by Rep. Jodey Arrington (R-Texas) on May 10, 2018. It is pending in the House Judiciary Committee, and it has seven bipartisan co-sponsors — three Democrats and four Republicans, including our own Representative Fitzpatrick. If passed, this bill would be the first step toward passing a Constitutional amendment that would limit House members to six two-year terms and Senators to two six-year terms. On his website, Rep. Fitzpatrick explained why he supports this initiative. He says, “As a former FBI Special Agent who oversaw the FBI’s Political Corruption Unit for the entire nation, I witnessed firsthand an undeniable correlation between the length of time in office and the instances of corruption. The lines that were very bright for elected officials on day one in office were not so bright in year seven or eight, and even less so in years 15 or 20.”

### **House opioid legislative package action in committee**

<https://energycommerce.house.gov/markups/energy-and-commerce-committee-vote-on-opioids-legislation-and-h-r-4606-h-r-5174-h-r-5175-h-r-5239-and-h-r-5240/>

The House Energy and Commerce Committee is performing extended mark-up sessions on 30+ bills related to the opioid crisis in the coming days, having completed one session this past week. Rep. Fitzpatrick is not on the Energy and Commerce Committee, but since he is on the Bipartisan Heroin Task Force, he will certainly be promoting his efforts to pass laws to address the overdose epidemic. The chairperson of the committee, Rep. Greg Walden (R-Ore.), has said that he has a goal of passing bills related to this issue before the start of the summer. Fitzpatrick is not cited as a cosponsor on any of these bills (at least, he is not cited in the text of the bills listed via the links provided in the content from the website above). This mass of bills covers such issues as alternatives to opioids, synthetic drugs, recovery centers, prescription oversight, empowering pharmacists, safe disposal of unused medication, and better pain management research.

### **S. 2810: A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations**

<https://www.govtrack.us/congress/bills/115/s2810>

This bill was introduced by Sen. Bernie Sanders (I-Vt.) on May 9, 2018. It is pending in the Senate Health, Education, Labor, and Pensions Committee, where Sen. Casey is a member. The bill has 12 Democratic co-sponsors. Just as the Supreme Court is set to issue a decision that will likely hobble unions (more about that from [Slate](#)), Sen. Sanders is throwing unions a lifeline with this bill. This bill, also called the Workplace Democracy Act, would make it easier for workers to join unions. It would end right-to-work laws and stop employers from classifying employees as independent contractors. On his [website](#) Senator Sanders explained his reasoning behind introducing this bill, asserting that, “...if we are serious about reducing income and wealth inequality and rebuilding the middle class, we have got to substantially increase the number of union jobs in this country.” Please consider asking Senator Casey to co-sponsor this legislation. If the election results in the Conor Lamb special election showed us anything, it is that pro-union voters who threw in with Trump in the 2016 election can be brought back to supporting a Democrat... if that Democrat supports unions as well.

### **S.J.Res. 52: A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to “Restoring Internet Freedom”**

<https://www.govtrack.us/congress/bills/115/sjres52/text>

This resolution is an attempt to use the Congressional Review Act to nullify the FCC’s attempts to end Net Neutrality. The resolution is very short; it reads, “Congress disapproves the rule submitted by the Federal Communications Commission relating to Restoring Internet Freedom and such rule shall have no force or

effect.” The resolution was introduced in the Senate in February, and now has the support of [50 senators](#): all of the Democrats, both Independents, and Republican Susan Collins of Maine. They only need one more vote to be assured that this will pass. It is highly unlikely that the one vote will come from Senator Toomey, but one might try calling him on it anyway.

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](mailto:KierstynPZ@gmail.com) and put "MoCTrack Help" in the subject. Thanks!