

## Week ending date - 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 **30.1%** (+0.9 from last report)

Representative Brian Fitzpatrick — **84.4%** (+0.4 from last report)

Senator Pat Toomey — **91.4%** (+0.1 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 legislator's vote to that opinion. This week, the Senate scored just one vote — the bill to offer veterans access to private care that the House approved last week. The House scored two votes; 1) removing some of the protections in the Dodd-Frank Act that keep us from having another financial crisis and 2) the a bill that replaces the Food and Drug Administration's compassionate use program with a less regulated process.

### Words From Our Founders

"Posterity! You will never know, how much it cost the present Generation, to preserve your Freedom! I hope you will make a good Use of it."

— [John Adams](#), in an April 26, 1777 letter to his wife, Abigail Adams

### Votes of Interest -

#### S. 2372: VA MISSION Act of 2018

<https://www.govtrack.us/congress/votes/115-2018/s106>

Last week's MoCTrack Report covered this bill. At that time I explained, "...the bill actually addresses giving veterans access to covered medical care outside the Veterans' Affairs (VA) system. The bill refers to a 'Veterans Community Care Program,' which simply means that veterans could use hospitals, medical services and extended care services that are not part of the VA, but the VA would handle payment and 'the establishment of a mechanism to receive medical records from non-Department providers.' President Trump is a vocal supporter of this change to the VA system. Earlier this month he [tweeted](#), "Choice is vital, but the program needs work & is running out of \$. Congress must fix Choice Program by Memorial Day so VETS can get the care they deserve. I will sign immediately!" A number of veterans groups support this initiative. Those who are against it seem to share similar concerns as those who to school vouchers/charter schools; they fear that a program like this will reduce the funding given to the struggling public system, which will cause more difficulty fixing the current problems."

The bill passed the House last week. Although it had passed the Senate unanimously some months ago, it returned to the Senate this week so they could vote on the House's changes. On May 23, 2018, it passed, 92–5. **Casey voted YES** and **Toomey voted YES**.

#### On the Nomination PN1358: Dana Baiocco, of Ohio, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2017

<https://www.govtrack.us/congress/votes/115-2018/s103>

This Trump Administration nominee fits the current administration's pattern of promoting leaders who have built their careers on actions that are antithetical to the mission of the bureaucratic organization they will be tasked to lead. An *Intercept* [article](#) titled "Trump's Consumer Product Safety Nominee Defended Deadly Products" reports that Ms. Baiocco "...has represented big tobacco and fought in court against asbestos workers who developed mesothelioma." The *New York Times* [article](#) further explains that she "...helped settle cases involving toys with lead paint and defended Yamaha against lawsuits regarding rollovers of some off-road vehicles. By June 2009, the consumer agency reported nearly 60 fatalities involving three models of the Yamaha Rhino; along with amputations and other serious injuries." Now Ms.

Baiocco will be one of the leaders of the same agency she used to litigate against. On MAY 22, 2018, her nomination was confirmed, 50–45. **Casey voted NO** and **Toomey voted YES**.

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

<https://www.govtrack.us/congress/votes/115-2018/h216>

This bill passed the Senate earlier this year. The bill was introduced by Sen. Mike Crapo (R-Idaho), who chairs the Senate Banking Committee. It is a highly divisive piece of legislation: Supporters say it will 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 bank size into account when crafting regulations, rather than writing “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.” 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.) said 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.”

The bill came up for a vote in the House on May 22, 2018, and passed, 258–159. **Fitzpatrick voted YES**. President Trump has already signed it into law. The *Philadelphia Inquirer* commented on the passage of the bill in an [article](#) and said that it “...allowed Trump to fulfill his campaign pledge of dismantling the landmark Dodd-Frank law.”

### **S. 204: Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017**

<https://www.govtrack.us/congress/votes/115-2018/h214>

This issue has been a focus of Representative Fitzpatrick’s legislative advocacy for the past year, but this is not the bill that he authored. Right to Try is a widely popular movement supported by many in the Trump administration, but it does not hold up under close scrutiny. The Food and Drug Administration already grants more than 98 percent of applications for access to experimental pharmaceuticals under its

Compassionate Use program. This bill would remove the FDA protections from the process of obtaining investigational drugs that have completed phase-one trials. Investigational drugs must go through three phases of clinical trials before FDA will approve them. *CBS News* explained the problems with the bill in a [piece](#) titled “Right to try bill passes, but will it help terminally ill patients?”:

Despite good intentions – and the legislation's name – right to try legislation grants no rights. It would merely grant permission for a patient to try to get experimental medication from a pharmaceutical company. Patients would be allowed to try experimental drugs, but nothing in the legislation would make it mandatory for pharmaceutical companies to provide these medications.

The reasons for a company to withhold a drug are many. Giving access to pre-approval drugs can be costly, particularly given the limited supply, and almost no medical insurance will cover experimental treatments. Access to the drugs will likely only be feasible for wealthy Americans who can afford to pay for the treatment, as well as the consequences of any negative side effects out of pocket.

Over a hundred patient advocacy groups, medical provider associations and medical ethicists [objected](#) to this legislation. Art Caplan, director of the Division of Medical Ethics at the New York University School of Medicine, summarizes the situation best in an [article](#) from *CNN* titled “Right-to-try’ bill passes Congress,” observing, “...at the end of the day, creating a world in which you say there's a right to try, if it's nothing more than a right to beg a company, that right already exists, and you're really not doing much to help anybody gain access to much of anything.”

The bill passed with a 250–169 vote on May 22, 2018. **Fitzpatrick voted YES.**

#### **H.R. 5515: National Defense Authorization Act for Fiscal Year 2019**

<https://www.govtrack.us/congress/votes/115-2018/h230>

This bill authorized \$717 billion in defense spending for 2019. While the final vote makes it appear that this was a non-controversial vote, the amendment process was heated. In an [article](#) titled “House easily passes \$717B defense authorization bill”, *The Hill* reports that “...prior to the vote, Democrats argued for amendments eventually voted down on immigration, gun control and limiting nuclear spending, but ultimately backed the bill over readiness concerns.” Another issue covered was President Trump’s coveted military parade. *USA Today* [reports](#):

The House defense bill gives its endorsement to a military parade as a way of expressing appreciation and admiration for the men and women in uniform. The legislation authorizes spending for the display of small arms and munitions, but it does place some restrictions on which hardware can be put on parade. Operational units and equipment would be barred from taking part if the Defense secretary believes their use will hamper military readiness.

What’s more, the bill says, the focus of the parade should be the nation’s veterans — many of whom served in Vietnam, Korea, Iraq and Afghanistan but have been “denied the public display of gratitude their service deserves.”

On May 24, 2018, the bill passed in a 351–66 vote. **Fitzpatrick voted YES.**

#### **MoC Twitter Action**

**Senator Bob Casey hot topics:** The senator communicated on a variety of topics this week. He shared articles on:

- “GOP Tax Scam”
- Supreme Court decision limiting the rights of employees to file class action suits against employers who have wronged them
- Betsy DeVos and the Department of Education cutting back on civil rights investigations
- Environmental Protection Agency barring several news outlets from covering a summit on water contaminants.

Casey shared a number of images and tweets from a Steel Workers' Union rally in Washington. He retweeted a thread from Sen. Lamar Alexander (R-Tenn.) about pandemic preparedness. He commented on the ever-changing status of the summit with North Korea. The senator closed the week with a moving thread decrying the practice of removing children from their families when immigrants are taken into custody while crossing the border. Pinned to the top of Sen. Casey's page, since March, is a tweet that reads, "Mr. Mueller's lifetime of service reflects his commitment to serving the American people with honor, integrity and courage."

**Casey tweets of the week, 05/10/18:** "There is nothing to suggest the tax law is lifting investment in any substantive way, at least so far," said Mark Zandi, chief economist at Moody's Analytics."

— shared with a [CNN Money article](#) titled "How businesses are really spending their tax cuts"

**Representative Brian Fitzpatrick hot topics:** The representative only shared two tweets this week, both to celebrate the House passage of Right to Try legislation. One of the items was a retweet of a congratulatory note from Vice President Pence.

**Fitzpatrick tweet of the week, 05/22/18:** "We finally did it! #RightToTry is headed to @POTUS for signature! I'm so thankful the relentless work by our Right to Try advocates and my colleagues @RepAndyBiggsAZ and @SenRonJohnson. Congress gave hope to so many Americans with terminal illnesses."

— shared with an [image](#) of several congresspeople, staff, and terminally ill people who advocated for the bill's passage

**Senator Pat Toomey hot topics:** The senator was uncharacteristically communicative this week. He just won't stop with his GOP tax plan charm offensive, this time promoting it as a "historic accomplishment." He shared a letter he and several other senators sent to President Trump about LGBT persecution in Chechnya. He promoted the bill that will allow veterans to access private health care. And he ended the week with a trio of tweets on economic issues: deregulation, tariffs and cutting the debt.

**Toomey tweets of the week, 05/24/18:** "Raising taxes on Americans who choose to buy imported cars or trucks is a bad idea. Doing it under the false pretense of national security--Section 232--is an even worse idea, as it invites retaliation and weakens our credibility on actual trade disputes."

— in response to President Trump's demand that the Department of Commerce investigate foreign auto imports because of national security concerns; for more on this topic, see this [article](#) from the *American Journal of Transportation*

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

From @RonWyden, senator from Oregon (D), 05/26/18, "I stopped by a Trump gas pump in Eastern Oregon where gas prices are skyrocketing. @realDonaldTrump's reckless decision to break our deal with Iran has only added to the spike in pump prices and created massive uncertainty in oil markets. #RonReport"

— shared with a short [video](#) taken at the gas station

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

From @jbandery, Jennifer Bendery, senior politics reporter for HuffPost, 05/25/18: "Godlessness. Too many doors in schools. Ritalin. All the things the NRA has blamed for last Friday's mass shooting at Santa Fe high school in Texas. Guess what's not on the list?"

— shared with a link to her *Huffington Post* [article](#) titled “All The Things The NRA Has Blamed For The Texas School Shooting”

### Honorable mention, constituent response

From @ToomeyMemes, 05/24/18: “It's cute how gleeful you all look to be doing something that hurtles us towards another fiscal meltdown. Thanks as always, Pat.”

— in response to Senator Toomey's self-congratulatory [tweet](#) and image shared on the passage of Economic Growth, Regulatory Relief, & Consumer Protection Act.

### Casey in the News

“We are writing to express our serious concerns with the dismissal of more than 500 disability rights complaints by the Office for Civil Rights (OCR). These dismissals are the result of OCR's new protocol for addressing complaints as outlined in the recently updated Case Processing Manual. We fear this standard may be used to dismantle students' civil rights throughout the department. Based on an efficiency rationale, a future administration could fiscally starve OCR and argue that only limited responses to civil rights violations would be investigated, resulting in OCR abandoning the very intent behind its creation. In fact, the current administration is moving dangerously close to such a position.

— an excerpt from a letter signed by Sen. Casey and other lawmakers, sent to Secretary of Education Betsy DeVos to protest her department's handling of civil rights complaints, as reported in a *Philadelphia Tribune* [article](#) titled “Betsy DeVos pressed on discrimination protections”

“When you go across Pennsylvania, it's hundreds of thousands of people just in rural counties ... that have no high-speed Internet. Kids can't learn in school, they can't do their homework, small businesses can't grow. It should be a national goal, just like electricity was a couple generations ago”

— from a *Government Technology* blog [piece](#) titled “Centre County, Pa., Searches for Resources to Bridge its Internet Access Gap”

“I was pleased to join Democrats and Republicans in providing six billion dollars [of funding to the] states to fund prevention, treatment, and recovery efforts over the next 2 years - but I know that's not enough.”

— from a *PA Homepage* [article](#) titled “Senate Aging Committee Tackles Opioid Abuse Among Seniors”

### Fitzpatrick in the News

“I am especially grateful for the advocacy of Vice President Pence.”

— Fitzpatrick gives thanks for the help he received in supporting the recently passed “right-to-try” bill, as reported in a *Bucks Local News* [article](#) titled “Bucks County Congressman Brian Fitzpatrick joins the House in passing Right to Try legislation; bill awaits President's signature”

“It's got both a border security component and a compassionate DACA component and that's what I believe. I think we ought to secure our borders, but we also need to treat the DACA kids compassionately. They came into this country on average at age six through no fault of their own and they shouldn't be forced to live with anxiety.”

— the representative's comments on the immigration solution he prefers, from a *WHYY* [article](#) titled “Pa., N.J. Republicans fueling petition to bring DACA to House vote”

“Administrator Pruitt and the EPA must do all they can to promote transparency and restore confidence in their agency. My constituents deserve to know the details of this health study. They deserve to know if

exposure to PFOS and PFOA could be even more dangerous than previously thought. They have a right to know what is happening inside their government. I will not stop pressing until this health study is released.”

— the representative’s response to Environmental Protection Agency (EPA) administrator Scott Pruitt’s reply to a letter signed by several area Congresspeople, demanding the release of a study on water quality, as reported in the *Doylestown Intelligencer* [article](#) titled “Fitzpatrick: Response from EPA’s Pruitt ‘lackluster’ on PFAS study”

## Toomey in the News

“We encourage the FCC to determine who facilitated these fake comments. While we understand and agree with the need to protect individuals’ privacy, we request that the FCC share with the public the total number of fake comments that were filed.”

— an excerpt from a letter submitted jointly by Sen. Toomey and Sen. Jeff Markley (D-Ore.) to the Federal Communications Commission in response to their identities being stolen and used in the public comments process for Net Neutrality, as reported in the *Gizmodo* [article](#) titled “Senators Demand FCC Answer for Fake Comments After Realizing Their Identities Were Stolen”

## Legislation of Interest:

### **S. 2896: A bill to require disclosure by lobbyists of convictions for bribery, extortion, embezzlement, illegal kickbacks, tax evasion, fraud, conflicts of interest, making false statements, perjury, or money laundering**

<https://www.govtrack.us/congress/bills/115/s2896>

This bill was introduced by Sen. John Kennedy (R-La.) on May 22, 2018. Sen. Joe Manchin (D-W.V.) is a co-sponsor. The bill is pending in the Senate Homeland Security and Governmental Affairs Committee. Neither Pennsylvania senator is a member of that group. The short version of the title will be “Justice Against Corruption on K Street Act” or JACK Act, named for disgraced lobbyist and convicted felon Jack Abramoff. Senator Kennedy [explained](#) his reasons for introducing this bill, noting, “This idea is simple: If you have been convicted of a felony like bribery, extortion, embezzlement or tax evasion, you should have to disclose that when registering to become a lobbyist. Corrupt lobbyists need to be brought into the sunlight, even if they’re wearing \$6,000 suits. Political leaders and businesses need to know the backgrounds of those who are trying to influence public policy.” If you support this kind of anti-corruption measure, please consider calling our senators and asking them to sign onto this effort as a co-sponsor.

### **S. 2919/H.R. 5902: A bill to amend the Ethics in Government Act of 1978 to provide for reform in the operations of the Office of Government Ethics**

<https://www.govtrack.us/congress/bills/115/s2919>

<https://www.govtrack.us/congress/bills/115/hr5902>

The Senate version of this bill was introduced by Sen. Richard Blumenthal (D-Conn.) on May 22, 2018. It has seven co-sponsors, all Democrats, and it is pending in the Senate Homeland Security and Governmental Affairs committees. Rep. Jamie Raskin (D-Md.) introduced an identical version on May 22, 2018. The House version has 22 co-sponsors, all Democrats, and is pending in both the House Judiciary and House Oversight and Government Reform committees. The bill has the approval of several good government and ethics watchdogs, including Citizens for Responsibility and Ethics in Washington, who are the litigants behind the case against President Trump for emoluments clause violations that is currently pending in the Maryland courts.



This bill would fix the inherent problem at the heart of the Office of Government Ethics: Currently the staff can provide advice and make reports, but they have no ability to enforce ethics compliance. They cannot force government employees to divest, nor can they terminate federal employees. Sen. Blumenthal [explains](#):

“This legislation would give our nation’s top ethics watchdog real teeth. The Trump Administration has completely shattered our basic norms when it comes to dealing with conflicts of interest and ethics issues. The fish rots from the head: the President himself continues to hold an ownership stake in the Trump Organization even as he makes decisions that could impact its bottom line. Meanwhile, Cabinet secretaries continue to hold financial stakes in the industries they ‘regulate’ while jetting around the country and lavishly redecorating their offices on the taxpayer’s dime. This legislation will ensure basic accountability for the kind of egregious ethics violations we’ve become accustomed to during the Trump Administration – ensuring that our nation’s leaders are serving the American people, not their own self-interest.”

Please consider calling Sen. Casey to ask him to co-sponsor this bill. Rep. Fitzpatrick frequently touts his desire to clean up government and institute ethics standards. He should also be asked to join onto this effort, especially in light of his professed desire to encourage bipartisanship.

### **S. 2937/H.R. 5950: To protect children affected by immigration enforcement actions**

<https://www.govtrack.us/congress/bills/115/s2937>

<https://www.govtrack.us/congress/bills/115/hr5950>

The Senate version of this bill was introduced by Sen. Tina Smith (D-Minn.) on May 23, 2018. It has 23 co-sponsors (22 Democrats and one Independent) and it is pending in the Senate Judiciary Committee. An identical version was introduced by Rep. Lucille Roybal-Allard (D-Calif.) on the same day. The House version has six co-sponsors, all Democrats; it is pending in the House Judiciary Committee. There has been extensive reporting in the last few weeks about the practice of separating immigrant children from their parents if they are taken into federal custody. Attorney General Jeff Sessions addressed the issue at a law enforcement conference earlier this month, and [noted](#) “If you cross this border unlawfully, then we will prosecute you. It’s that simple...If you don’t like that, then don’t smuggle children over our border.” Sen. Casey has been [tweeting](#) about the issue, noting that more than 1,000 children remain unaccounted for after being separated from family and placed into the custody of the Department of Health and Human Services. This new bill would address these issues, says its sponsor, Rep. Roybal-Allard:

As the Trump Administration accelerates its cruel efforts to tear apart immigrant families at the border, it has never been more critical for us to protect the children who are impacted by the administration’s remorseless family separation policies. I am honored to reintroduce the HELP Separated Children Act so that we have new tools to help protect these children from trauma and permanent separation from their parents. If we have any decency, we must work to reduce the pain caused to children by this administration’s draconian immigration reforms. That is why we need the HELP Separated Children Act, and why we must keep fighting for a comprehensive immigration reform package that treats children and families humanely while keeping our border secure.

If this is an issue that motivates you, please consider contacting all three of your Members of Congress to ask them to co-sponsor this worthy legislation.

### **H.R. 5911: To amend Public Law 115-97 (commonly known as the Tax Cuts and Jobs Act) to repeal the Arctic National Wildlife Refuge oil and gas program**

<https://www.govtrack.us/congress/bills/115/hr5911>

This bill was introduced by Rep. Jared Huffman (D-Calif.) on May 22, 2018. It has four co-sponsors, all Democrats, and it is pending in the House Natural Resources Committee. Rep. Huffman [said](#) the following when he introduced the bill:

Plain and simple: the Arctic National Wildlife Refuge is a national treasure worth protecting for future generations. Although Republicans in Congress snuck a dangerous drilling provision into their tax bill last year, it’s not too late to keep drills out of this iconic landscape. But time is not on

our side: we need to repeal this oil and gas giveaway soon to ensure that the Arctic Refuge's coastal plain remains unspoiled for future generations to experience and enjoy.

This bill should be of particular interest to our own Rep. Fitzpatrick, since he co-sponsored the [Udall-Eisenhower Arctic Wilderness Act](#) before he completely reversed course and placed a vote that enabled arctic drilling. Pressuring him on this issue would be a key way to determine which is more important to him — party fidelity or his claims of environmentalism.

### **H.R. 5321: TL; DR Act of 2018 - Status Update!**

<https://www.govtrack.us/congress/bills/115/hr5321>

This is a bill that was summarized in a previous MoCTrack Report when it was introduced by Rep. Seth Moulton (D-Mass.) in March. For those not up on their internet lingo, “TL; DR” means “too long, didn’t read” and is often used when someone shares a long-form article or writes a voluminous post on social media. The bill says that any communication going out from government agencies to the public needs to have a portion at the top of the letter:

1. Summarizing the topic of the letter
2. Highlighting any action required
3. Noting the due date

*EDITOR’S NOTE: As someone who works daily with a federal agency, I can tell you that this bill would fill an important need.*

This update is two-fold. First, the bill moved out of committee this week and was ordered reported — an important hurdle that bills must pass before receiving a floor vote. Second, Representative Fitzpatrick has joined on as a co-sponsor.

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!