

## Week ending 07/29/18 - PA-08 MoCTrack Report

Hi everyone! As of July 27, 2018, the House has left for their August recess, and we are going to join them and skip the report for the week ending August 5, 2018. We will be back on August 12th with coverage of the Senate, who are staying in session during August.

This is the time of year where we tend to brush up on our Learning about Legislation segments and do some reminder sessions on pending legislation that merits our attention. So if you have any topics that you want to know more about, or if there are any tidbits in the news about Congress that have you stumped, please send me an email at [KierstynPZ@gmail.com](mailto:KierstynPZ@gmail.com), put "MoCTrack question" in the subject line, and ask away. I'll see what we can do about including it in a forthcoming 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 — **30.3%** (+1.0% from last report)

Representative Brian Fitzpatrick — **83.3%** (+0.5% from last report)

Senator Pat Toomey — **90.4%** (+0.1% from last report)

Nate Silver's [FiveThirtyEight](http://FiveThirtyEight.com) 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. There are three votes scored in the House this week, eliminating the medical device tax, and two bills related to health savings accounts. In the Senate there was one scored vote, on the nomination of the Secretary of Veterans Affairs.

### Words From Our Founders

"A well-constituted court for the trial of impeachments is an object not more to be desired than difficult to be obtained in a government wholly elective. The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself. The prosecution of them, for this reason, will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused. In many cases it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side or on the other; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt."

— [Alexander Hamilton](#), Federalist 65, March 7, 1788

### Votes of Interest -

#### H.R. 6199: Restoring Access to Medication Act of 2018

<https://www.govtrack.us/congress/votes/115-2018/h377>

This is a bill that combines five different pieces of legislation that had passed through the House Ways and Means Committee.

1. Restoring Access to Medication Act - this changed provisions in Obamacare to allow Health Savings Accounts (HSAs) to be used to pay for over the counter medications
2. Personal Health Investment Today (PHIT) Act - this allows fitness expenses like gym membership or exercise equipment to be covered by HSAs, with an annual limitation of \$500.
3. Bipartisan HSA Improvement Act - this changes some rules related to HSAs and flexible spending accounts (FSAs), and how the two can interact
4. Promoting High-Value Health Care Through Flexibility for High Deductible Health Plans Act - this expands what HSAs cover to include newer services like telehealth, and adds items that help address chronic illnesses, like diabetic testing strips.
5. Primary Care Enhancement Act - this allows people in HSAs to use funds to cover direct primary care fees.

Rep. Luke Messer (R-Ind.) [explained](#) that this legislation “will allow insurers to provide coverage for and incentivize the use of high-value services that can reduce healthcare costs more broadly, such as primary care visits and telehealth services.” Objections to this bill are best summarized by Rep. Jim McGovern (D-Mass.), the ranking member of the House Rules Committee. He [observed](#), “The measures before us do nothing to address Republicans’ sabotage of the healthcare system. The Republicans passed a \$2-trillion tax scam that depleted the Medicare trust fund and cut 3 years off its life, and raised insurance premiums 15% by zeroing out provisions to stabilize the insurance market.” In a vote that occurred on July 25, 2018, the bill passed 277-142. **Fitzpatrick voted YES.**

**H.R. 6311: To amend the Internal Revenue Code of 1986 and the Patient Protection and Affordable Care Act to modify the definition of qualified health plan for purposes of the health insurance premium tax credit and to allow individuals purchasing health insurance in the individual market to purchase a lower premium copper plan**

<https://www.govtrack.us/congress/votes/115-2018/h376>

This bill is a companion to H.R. 6199. According to [Plan Sponsor](#), an insurance industry blog, it “allows HSA-eligible working seniors enrolled only in Medicare Part A to contribute to their HSAs, and it deems Bronze and Catastrophic plans as HSA-qualified plans.” More technical details can be found on another [industry post](#). The complaints about this bill are similar to those of H.R. 6199, that it makes changes to increase the utility of HSAs, which are primarily [used by wealthy people](#) while doing nothing to address the Trump Administration sabotage of the Affordable Care Act. This bill also came up for a vote on July 25, 2018 and passed, 242-176. **Fitzpatrick voted YES.**

**H.R. 184: Protect Medical Innovation Act of 2018**

<https://www.govtrack.us/congress/votes/115-2018/h372>

One of the ways the Affordable Care Act was to be funded was the implementation of a 2.3% tax on medical devices like replacement joints, pacemakers and dental implants. That tax, however, was never put in place. In 2015 the Congress voted to delay implementation. This bill would eliminate it entirely. Rep. Bill Pascrell (D-N.J.) explains the opposition to his maneuver during the floor debate on the bill. He [noted](#):

We devised the Affordable Care Act so that it could be paid for and we would not have to add to the deficit. We knew we had to pay for this. That's what health care is all about. And that's why you guys on the other side, you people, have not come up with an alternative because you don't know how to pay for anything.

Those who support the bill make the argument that taxing medical devices just cause costs to be passed along to consumers. Lobbyists from medical device makers have campaigned incessantly against this tax since the passage of the ACA, spending \$10 million this year alone, and their efforts bore fruit on July 24, 2018. The bill passed in a 283-132 vote. **Fitzpatrick voted YES.**

**H.R. 5515: John S. McCain National Defense Authorization Act for Fiscal Year 2019**

<https://www.govtrack.us/congress/votes/115-2018/h379>

This is the massive defense spending bill for 2019. It had previously passed the House and the Senate, but in different forms. The [Library of Congress](#) provided a brief recap of priorities in this hefty bill, including:

- (1) Procurement, including aircraft, missiles, weapons and tracked combat vehicles, ammunition, shipbuilding and conversion, and space procurement;
- (2) Research, Development, Test, and Evaluation;
- (3) Operation and Maintenance;
- (4) Working Capital Funds;
- (5) Chemical Agents and Munitions Destruction;
- (6) Drug Interdiction and Counter-Drug Activities;
- (7) the Defense Inspector General;
- (8) the Defense Health Program;
- (9) the Armed Forces Retirement Home;

- (10) Overseas Contingency Operations; and
- (11) Military Construction.

The conference committee created a [report of changes](#), which itself is over 650 pages long, and the new bill is over 2,500 pages. The conference-approved version of the bill has a \$716 billion price tag and includes a "...wave of significant Defense Department increases, including service members' pay and the number of troops, equipment and weapons for the upcoming fiscal year.... [and] a series of new reforms and policy efforts" according to [Military.com](#). The compromise bill came up for its second House vote on July 26, 2018 and passed, 359-54. **Fitzpatrick voted YES.**

### **On the Nomination PN2179: Robert L. Wilkie, of North Carolina, to be Secretary of Veterans Affairs**

<https://www.govtrack.us/congress/votes/115-2018/s163>

After the [debacle](#) of the previous nomination of Trump's doctor to head up the Department of Veterans' Affairs, the administration made a much more conservative choice this time around. President Trump nominated Robert Wilkie, who has been the acting secretary of the VA since the [firing](#) of the previous secretary, David Shulkin. *USA Today* provided a [detailed recap](#) of Mr. Wilkie's experience:

Wilkie, who is undersecretary of Defense for personnel and readiness, is also an intelligence officer in the Air Force Reserves, and he previously served in the Navy Reserves. He grew up an "Army brat" on Fort Bragg and in Fayetteville, North Carolina. His father was gravely injured in the Vietnam War and his great-grandfather served in World War I.

After graduating from Wake Forest University, Wilkie earned a law degree from Loyola University New Orleans, a masters in international and comparative law from Georgetown University and a masters in strategic studies from the U.S. Army War College.

He was an assistant secretary of Defense during the administration of George W. Bush from 2005 to 2009 and worked at the National Security Council under Condoleezza Rice. In his current post, which he has held since November 2017, Wilkie oversees "health affairs; training; and personnel requirements and management, including equal opportunity, morale, welfare, recreation, and the quality of life for military families," according to his biography

During his confirmation hearings, a [key moment](#) was when Mr. Wilkie was asked about privatization of the VA, a goal often pushed by Republican lawmakers and the Trump Administration. Mr. Wilkie said that he opposed privatization. In a vote that occurred on July 23, 2018, Mr. Wilkie's nomination was confirmed, 86-9. A review of the NO votes reads like a list of early contenders for the 2020 Democratic presidential nominations; it includes Cory Booker (N.J.), Kirsten Gillibrand (N.Y.), Kamala Harris (Calif.), Bernie Sanders (Vt.) and Elizabeth Warren (Mass.). **Casey voted YES and Toomey voted YES.**

### **MoC Twitter Action**

**Senator Bob Casey hot topics:** The senator started off the week by celebrating the anniversary of the Americans with Disability Act, and he shared a number of constituent tweets of images from an event where he spoke to honor the importance of the ADA. He also shared a pair of articles and several video clips of colleagues speaking about a bipartisan bill he drafted that reauthorizes funding for career and technical education. The senator issued several scathing retorts to GOP House members who introduced a bill of impeachment against Rod Rosenstein. The week ended with a tweet from the senator about Russian election interference and the recent reveal that Sen. Claire McCaskill's campaign was targeted.

**Casey tweets of the week, 07/24/18:** “This week marks the 28th anniversary of the signing of the Americans with Disabilities Act. As a nation, our duty now is to take actions that protect and enhance the rights of all Americans, including those with disabilities, and make equality for all a reality.”

— shared with an [image](#) of the senator and other celebrants in front of the Capitol building

**Representative Brian Fitzpatrick hot topics:** The representative tweeted a handful of times this week. He promoted a pair of bills he sponsored/co-sponsored and issued a self-congratulatory share of an article about being granted a “Defender of Children” children award. He provided some information about a medical device that was withdrawn from use. In a surprising change of tone from our pro-corporate legislator, he celebrated a labor rights day on 07/25/18, and closed the week by sharing information about economic growth.

**Fitzpatrick tweet of the week, 07/27/18:** “Strong economic news this morning! Economic growth at 4.1 percent – best in four years! The positive impact of strong economic growth has the potential to grow our small businesses and benefit families here in Bucks and MontCo.”

— shared with a link to a tweet from *The Associated Press* that reads “BREAKING: US economy surges to 4.1 percent growth rate in Q2, best showing since 2014”

**Senator Pat Toomey hot topics:** The senator divided his attention on Twitter between three topics this week. He started off the week concerned with Russian election meddling. By mid-week he was bemoaning the Trump Administration’s bailout of farmers hurt by Trump’s trade war, saying that it was “trying to put a band-aid on a self-inflicted wound.” At the end of the week he issued a thread about his meeting with Supreme Court nominee Brett Kavanaugh, and his enthusiastic approval of the president’s pick.

**Toomey tweets of the week, 07/26/18:** “I look forward to following Judge Kavanaugh’s confirmation hearing and I intend to support his nomination when it comes to the Senate floor.”

— the culmination of a [four tweet thread](#) endorsing Judge Kavanaugh for the Supreme Court

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

From @SenBooker, Sen. Cory Booker (D-N.J.) on 07/26/18: “Senate Republicans are stonewalling Democratic efforts to obtain Judge Kavanaugh’s papers from his time as Bush White House staff secretary—what are they trying to hide? In order to effectively advise & consent on this nominee, senators need access to Kavanaugh’s full record.”

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

From @MedResJourno, Jeannie Baumann, Medical research reporter for Bloomberg on 07/24/18: “The five largest U.S. medical device companies collectively spent more than \$10 million lobbying Congress this year, @Alexruoff found. Psst: the House is voting to repeal the device tax today.”

— shared with a link to a *Bloomberg* article titled “[House Moves to Permanently End Medical Device Tax](#)”

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

From @neysanev on 07/26/18: “What does fair consideration mean exactly? Like the consideration you gave Merrick Garland?”

— in response to Senator Toomey’s [tweeted endorsement](#) of Supreme Court nominee Brett Kavanaugh

## **Casey in the News**

Courtesy of contributor Kathy Sites

"I've got a position and I'm not backing off that: I'm a NO and I'm going to remain No. I think it's clear to most people that the description of pro-life Democrat is accurate. I've been very consistent...What it means is I try to support policies that help women and children both before and after birth. Part of that is making sure you are honest about differences but also at the same time trying to focus on ways to reduce both the number of abortions and the number of unwanted pregnancies, and I think my record reflects that."

— excerpted from a [PennLive](#) guest opinion titled "[Kavanaugh might be what Trump wants, but he's not what Casey, Democrats need](#)"

"Protections for individuals with pre-existing conditions are vital, yet this Administration, aided by congressional Republicans, is doing all it can to end them."

— from an article in [The Sunbury Daily Item](#) titled "[Pre-existing condition law needs protection](#)"

"[President Trump] attacked and diminished our law enforcement officers and intelligence agencies on foreign soil in front of a hostile dictator and on matters directly relating to an attack on our nation."

— from a [New Castle News](#) article titled "[As Trump weathers firestorm, Barletta picks up a shield](#)"

"For him to get a forum when he's aiding and abetting the Assad regime [in Syria] when he directed operations against our election and undermined democracy all around the world. Why would he get another forum."

— excerpted from an opinion piece on [PennLive](#) titled "[Sen. Bob Casey: Russia's Putin doesn't deserve a White House visit](#)"

"As scientific research yields new vaccines that can protect us from illness, we must ensure the Vaccine Injury Compensation Program is updated in a timely manner... [The bill will] streamline the process for adding a vaccine in the VICP to Treasury's list of taxable vaccines, thereby completing the process of adding the vaccine to the compensation program faster."

— from a [Ripon Advance](#) post titled "[Cassidy introduces bipartisan bill to ensure federal coverage of new vaccines for moms, kids](#)"

"We're America. We're a strong country. We have the strongest economy in the world. We have the strongest military in the world. But that same strong country will take care of people. That's what we do. Are we going to go back to those dark days when someone does not get coverage or treatment because they have a pre-existing condition? My answer is No. ... We're going to fight to make sure we never go back to those dark days when your life is controlled by an insurance company."

"We've allowed the corporate right to denigrate unions, to rob you of your dignity. Never let them take that dignity away from you. You contribute so much to our country. You protect us, you serve us, you strengthen us and you work on our behalf. We've got to have policies that support you."

— excerpts from Sen. Casey's comments on healthcare and labor issues from a visit to a senior center, as reported in the [Bethlehem Press](#) article titled "[Senator Casey visits Gracedale](#)"

## **Fitzpatrick in the News**

"The president was manipulated by Vladimir Putin. Vladimir Putin is a master manipulator... It needs to be accepted as fact by everybody in our government because we need to respond to that reality and it's a significant threat. We cannot let that happen again. "

— from an [NPR](#) article titled "[GOP Rep. Brian Fitzpatrick: 'The President Was Manipulated By Vladimir Putin'](#)"

“Our institutions of higher education must be held accountable for lax policies against sexual violence occurring on their campuses. Young women and men attending college deserve the opportunity to grow, learn, and thrive in a safe environment, free from fear. The HALT Act ensures that universities take every possible step to eradicate sexual violence on college campuses. With nearly one-in-five young women, and 6-percent of young men likely to experience some type of sexual violence on campus, Congress must act to keep our youth safe.”

— excerpted from the representative's official press release, as quoted in the [New Hampshire Labor News](#) article titled [“Representatives Kuster Introduces Bipartisan Bill to Combat Campus Sexual Violence”](#)

“Our nation must never tolerate a Russian autocrat that seeks to interfere in our elections. As a former FBI Special Agent, I support our Intelligence Community, and I stand by their conclusions. Russia sought to undermine our democratic institutions and our 2016 elections. It’s clear that Russia continues to use cyber weapons to sow division and distrust both here and abroad. We must hold these foreign actors accountable while strengthening the integrity of our Intelligence Community.”

— from an article in [Homeland Preparedness News](#) titled [“Bipartisan effort supports intelligence community’s assessment of Russian interference in elections”](#)

“[This is] an important step to reduce carbon emissions that are contributing to atmospheric change, rising sea levels, and more intense natural disasters... This legislation would modernize America’s infrastructure by sparking investment in our roads, bridges and energy grid while eliminating a regressive gas tax.”

— from a [Ripon Advance](#) post titled [“Curbelo bill simultaneously tackles climate change, national infrastructure updates”](#)

“We can and must bring bipartisanship and consensus building back to the People of the United States of America. The time is now for leaders to stand up and be leaders, to throw party labels in the trash can and start viewing those who think differently than us as strengths to be harnessed, not weaknesses to be criticized. Our diversity as Americans, including our diversity in thought, must be mutually respected and fully utilized to generate the most effective solutions to the serious problems that we face. We will rise to this challenge and fight like hell to get this done for our great Nation. And we will not stop until this is accomplished.”

— from a [Markets Insider](#) article titled [“Problem Solvers Caucus Propose Changes to House Rules to ‘Break the Gridlock’”](#)

"One of my goals here is to create an atmosphere where there's two pro-environmental parties. I want to help change the face of the GOP when it comes to the environment."

— from an [E&E News](#) article titled [“Meet the other Republican who wants a carbon tax”](#)

*Editor’s note: The article below does not have any quotes from Rep. Fitzpatrick, though he features heavily as a topic of discussion. But the real reason you need to take a moment with CNBC’s [“Democrats need a blue wave in Pennsylvania to win back the House. So they’re focusing on towns like Bethlehem”](#) is because it features images from a Bucks County event and has some great shots of some of our Fridays with(out) Fitzpatrick crew! The best picture? Fitzpatrick decided to co-opt a Richard Nixon campaign slogan - “Now more than ever.” Through creative use of white tape, one of our local protestors has made it read “Brian Fitzpatrick No Never” ...BRILLIANT!*

## **Toomey in the News**

*Courtesy of contributor Elayne Baker*

"He understands that the proper role of a judge is to apply the law...I fully intend to enthusiastically support his confirmation."

— from a [Philadelphia Inquirer](#) article titled "[Sen. Pat Toomey meets Supreme Court nominee Brett Kavanaugh, promises support](#)"

"I'm pro-life. However, unlike my Democratic colleagues, I don't have set of policy litmus tests for a judge or justice, precisely because that is not a role of a judge or justice. It's up to Congress and the president to establish policy."

— from a [CBS Newsradio](#) article titled "[Toomey gives approval of Trump's Supreme Court nominee, Brett Kavanaugh](#)"

"I trust my colleagues on both sides of the aisle, however you felt about the tax reform, wouldn't want to visit this honest mistake upon a very important sector of our economy."

— from a [POLITICO](#) article titled "[Seeking Glitch Relief,](#)" about the senator's efforts to fix a mistake built into the GOP Tax Plan, where they intended for a certain provision to be implemented immediately, but via a 'drafting error' it will take 39 years

"The administration clobbers farmers with an unnecessary trade war then attempts to assuage them with taxpayer handouts. This bailout compounds bad policy with more bad policy."

— from an article in [The Independent](#) titled "[Trump under fire from Republicans for handing \\$12bn to US farmers](#)"

"This is very, very frustrating. It's a self-inflicted problem in the first place, this tariff war, and now we're going to solve it by creating a welfare for farmers program? I mean, it sounds terrible."

— from an [Allentown Morning Call](#) article titled "[Wake-up Call: Could Conor Lamb topple a fellow member of Pa.'s congressional delegation?](#)"

"I thought it was a very disturbing performance with Vladimir Putin. I don't understand the apparent blindness [Trump] has to Putin's hostile acts."

— from an article in [The Registered Citizen](#) titled "[As Trump weathers firestorm, Barletta picks up a shield](#)"

"I'm not sure that's a good idea. I would prefer that [Putin] be kept at an arms length until his behavior improves."

— from a [Washington Examiner](#) article titled "[Senate GOP warns Trump against Putin visit to White House in the fall](#)"

"Our veterans should be the first in line for the best possible care. I believe Robert Wilkie agrees with this sentiment and is a strong choice to head up the Department of Veterans Affairs. Mr. Wilkie has already done an admirable job building on major VA reforms recently passed by Congress. As the VA implements additional reforms, such as the VA MISSION Act, I am confident that Mr. Wilkie will continue to serve our nation's veterans well."

— from a [MyChesCo](#) post titled "[Toomey Statement on the Vote to Confirm Robert Wilkie to Head VA](#)"

"Vladimir Putin and those acting at his direction meddled in our 2016 presidential election. Accordingly, the Treasury should again exercise the tools it has at its disposal and penalize those identified as carrying out this attack on our country. Putin's attempts to undermine our elections should be continuously met with swift and strong repercussions by Congress and the White House."

— from an official Toomey press release and distributed by [Public](#), titled "[Toomey and Van Hollen to Treasury: Sanction the Indicted Russian Military Officers](#)"

“One of my several concerns about the administration's trade policy has been a lack of clarity about the goal. What are we actually trying to accomplish with Canada and Mexico? Here, we had yesterday a very clear discussion about a goal: zero tariffs and an end to non-tariff barriers — at least with respect to non-automobile manufactured goods. That's a very big category; it's a very big ambition. There is a mutual agreement that no additional tariffs will be imposed as long as these negotiations proceed. It's only less than 24 hours ago and it's quite new and it's going to be difficult to achieve this, but it certainly strikes me as a movement in the right direction...”

“...As a general matter, Congress has ceded way too much constitutional authority to the executive branch — really across the board. But probably nowhere more so than in the trade space. And this goes back decades. It's not a recent phenomenon, but it's gotten to the point where a president can, in complete compliance with the law, invoke national security and slap tariffs on our closest allies and friends. And Congress is a helpless bystander. That's ridiculous and it's inconsistent with our constitutional responsibilities to set tariffs and to manage commercial relations with foreign nations. So yes, it's my intention. I can't promise exactly when or on what legislative vehicle, but this really should be a congressional responsibility, and I want to work to restore that.”

— excerpts from an interview on *Marketplace*, titled “[Sen. Pat Toomey: Congress is a 'helpless bystander' when it comes to tariffs](#)”

## Learning about Legislation — ratifying and ending treaties

“The President...shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur.”

— [The United States Constitution, Article II, Section 2](#)

The Constitution is clear about how treaties are to be created, but they say nothing about how a treaty might be ended. This is of considerable concern because of President Trump's recent comments regarding NATO, and his apparent, stated unwillingness to fulfill Article 5, the reciprocal defense provision.

The issue of which branch has what power in terms of treaties has been an issue of some debate going back to the Framers of the Constitution. Thomas Jefferson [wrote](#), “Treaties being declared equally with the laws of the United States, to be the Supreme Law of the Land, it is understood that an act of the legislature alone can declare them infringed and rescinded.” But while he was clear about his feelings in this matter, this sentiment never made it into the Constitution, the Federalist Papers or any of our nation's other foundational documents.

We do, however, have some idea of what the Framers intended, based on contemporaneous notes and diaries that recapped the events of the constitutional convention. Forrest Black wrote an [article](#) for the St. Louis Law Review in 1926 that provides a concise recap of the prevailing sentiments:

The debates on the treaty power in the Constitutional convention throw some light on our problem. The first point of importance to be emphasized is the fact that in the whole history of the Convention, at no time did any member suggest that the President alone should have this power. Even Hamilton, who was an ardent advocate of a highly centralized government, was unwilling to place this important power exclusively in the hands of the President. He believed that the Senate should participate because of “the vast importance of the trust, and the operation of the treaties as law.” His Sketch of Government presented to the Convention, June 18, 1787, gave to the executive authority, with the “advice and approbation of the Senate. the power of making all treaties.” Furthermore, the debates show that the majority of the members were not even favorable to the idea of giving the President any share in the treaty power until late in the convention.

The issue has become more questionable in recent decades, as the legislative branch began to abrogate its responsibilities. Former Senator Russ Feingold wrote a powerful piece for *NBC News*

earlier this year titled "[Donald Trump can unilaterally withdraw from treaties because Congress abdicated responsibility](#)." In that article, Mr. Feingold points out that in 2002 President George W. Bush unilaterally withdrew the United States from the Anti-Ballistic Missile Treaty, and that Congress failed to call a vote to protest this action or assert their Constitutional role as it related to treaties. He concludes, "that failure to act to assert our constitutional prerogative now hands an erratic and often vengeful president the power to undo crucial international agreements."

Because of this gray area in Constitutional law and asserted legislative responsibilities, we do face a potential crisis. Please see the first item in the next section, "Legislation of Interest," to review how a bipartisan group of senators hope to curtail the president's ability to withdraw from a critical treaty and how they hope to avert such a crisis.

### **Legislation of Interest:**

Over 150 new bills were introduced in the days immediately preceding the House's departure for August recess. A full review of all of those bills, with recaps of interesting items, will be included in the August 12th report. This week's Legislation of Interest is focused on those bills that relate to important political issues covered in the news this week.

#### **S.J.Res. 62: A joint resolution formalizing congressional opposition to any withdrawal from the North Atlantic Treaty, requiring the advice and consent of the Senate to modify or terminate the North Atlantic Treaty, and authorizing litigation to advance the Senate's constitutional authority**

<https://www.govtrack.us/congress/bills/115/sjres62>

This bill was introduced by Sen. Tim Kaine (D-Va.) on July 26, 2018. It is pending in the Senate Foreign Relations Committees, and it has 3 bipartisan co-sponsors: Senators John McCain (R-Ariz.), Cory Gardner (R-Colo.) and Jack Reed (D-R.I.). Those lawmakers represent senior members of both the Foreign Relations and Armed Forces committees. In the past weeks, President Trump upset international relations by referring to the European Union as a "foe" and indicating in an interview that he was [unwilling to fulfill obligations](#) under NATO's Article 5, the mutual defense provision. In light of those concerns, this bill would restrict the President's ability to unilaterally remove the United States from NATO. Instead, the bill would require a [super-majority](#) of two-thirds of the Senate, the amount needed to ratify any treaty, to approve the withdrawal from the organization. The [Washington Post](#) explains that "while Senate consent is required to enter into treaties, the Constitution is silent on the question of how the United States is supposed to exit a treaty." Sen. McCain issued the following statement as a part of a [release](#) from Sen. Kaine's office:

For the last seven decades, the United States and our NATO allies have served together, fought together, and sacrificed together for a vision of the world based on freedom, democracy, human rights and rule of law. Put simply, the transatlantic alliance has made the United States safer and more prosperous, and it remains critical to our national security interests. Regrettably, President Trump's mistreatment of our closest allies has raised doubts about America's commitment to the transatlantic alliance and the values of defense. The United States Senate provided its advice and consent to the North Atlantic Treaty, and remains overwhelmingly supportive of the transatlantic alliance. In the future, the Senate must be prepared to defend its constitutional role. This legislation is urgently required to ensure that no president can withdraw the United States from NATO without the constitutionally required advice and consent of the Senate.

Please consider calling both of our Senators in support of this bill. The dissolution of NATO has been a long term goal of Russian President Vladimir Putin. It would be disastrous if President Trump were to make that happen. This is the legislative branch doing its job as a check on the executive branch, and that is something we all need to encourage.

## **H.Res. 1028: Impeaching Rod Rosenstein, the Deputy Attorney General of the United States, for high crimes and misdemeanors**

<https://www.govtrack.us/congress/bills/115/hres1028/text>

This resolution was introduced by Rep. Mark Meadows (R-N.C.), one of the leaders of the Freedom Caucus, on July 25, 2018. It is pending in the House Judiciary Committee, and it has 14 co-sponsors (all R). A dozen of these representatives are members of the Freedom Caucus. This resolution is the latest phase in the House GOP's attempts to protect President Trump from the Mueller investigation. The resolution is predicated upon the inaccurate conclusion that FISA warrants were improperly requested by the FBI, and the refusal of the Justice Department to hand over certain documents related to the ongoing Mueller investigation.

The day after this resolution was introduced, Speaker of the House Paul Ryan held a press conference where he made clear that he does not support this impeachment effort. [POLITICO](#) reports that Ryan stated, "I don't think we should be cavalier with this process or this term. I don't think this rises to the level of high crimes and misdemeanors." He also confirmed that the Department of Justice was "largely complying" with the demands from the House for documents. Later that same day Rep. Meadows, the sponsor of the bill, had backed down from the impeachment plan, and had turned, instead, to a plan that would include a vote for putting Mr. Rosenstein into contempt of Congress for not providing all the requested documents. [The Hill](#) reports that Meadows said "I think it is our desire to have more of a contempt process, which obviously has to have a partner with the Speaker, and I think hopefully they will at least acknowledge we've made some reasonable concessions to give DOJ and FBI."

There won't be any action on this situation while the House is on recess. That means that we all have several weeks to contact Rep. Fitzpatrick to let him know that we do not support this transparently partisan attempt to interfere with the Mueller investigation. Further, this provides ample evidence that it is necessary (despite legislator claim to the contrary) to pass the legislative efforts to protect the Mueller investigation - [H.R. 5476](#): The Special Counsel Independence and Integrity Act.

## **H.R. 6630: To require the Director of National Intelligence to investigate whether the National Rifle Association benefitted from Russia's involvement in the United States presidential election of 2016**

<https://www.govtrack.us/congress/bills/115/hr6630>

This bill was introduced by Rep. Norma Torres (D-Calif.) on July 26, 2018. It is pending in the House Permanent Select Intelligence Committee and it has 6 co-sponsors (all D). On the same day as the Helsinki summit, the government indicted [Maria Butina](#), a young woman who had cultivated relationships with the NRA and GOP politicians. This bill was introduced in reaction to that indictment and the news items that have been revealed in its aftermath. In a [statement](#) released in conjunction with this bill, Rep. Torres observed, "The case of Maria Butina has raised a lot of questions about the depths that Russia was willing to go to infiltrate our democracy. My bill would provide us with a more complete picture to track where foreign money went in the 2016 presidential election and hold the NRA accountable for transparency."

The [New Republic](#) reported earlier this year that the NRA spent about \$30 million on President Trump's campaign and even more than that on the campaign of other GOP politicians and lobbying efforts. Having the Director of National Intelligence perform a review of how Russia may have been involved in the election is critical, as the Treasury Department [announced](#) (in a freakish coincidence, on the same day as the summit and the Butina indictment) that a number of nonprofits, including the NRA, will no longer need to provide information about their donors to the Internal Revenue Service.

It is critical that we find out the financial role that Russia made have paid in bankrolling the Trump campaign via the NRA. With the new Treasury rules, that cannot be done through normal investigative means by normal citizens. Please consider calling Rep. Fitzpatrick to express your support for this bill.

## This week's legislative responses to the Helsinki summit

The shocking press conference with President Trump and Russian President Putin in Helsinki on July 16, 2018 has spawned a number of legislative efforts in the days since then. This is by no means a comprehensive list (as many legislators introduced nearly identical bills), but it is a collection of the most interesting, and bills with the best chances for movement. You may wish to contact all three of our MoCs in support of any or all of these efforts.

### **S.Res. 594: A resolution expressing the sense of the Senate regarding the Government of the Russian Federation's ongoing attacks against the United States election system to undermine our democracy by interfering with our election system, and affirming the Senate's unequivocal commitment to holding the Russian Federation, President Putin, and those who carried out the attacks accountable**

<https://www.govtrack.us/congress/bills/115/sres594>

This resolution was introduced by Sen. Amy Klobuchar on July 26, 2018. The bill is pending in the Senate Rules and Administration Committee, and it has one bipartisan co-sponsor, Sen. Lindsey Graham (R-S.C.). In a [statement](#) released along with the bill, Sen. Graham said, "It is extremely important that Congress recognize the threat to our electoral system coming from Russia and act in a decisive way. The first step in solving any problem is to identify it. This resolution is a giant step forward." Sen. Klobuchar added, "Passing this bipartisan resolution sends a clear message to Putin that we are united in our commitment."

### **S. 3275: A bill to amend the Russia Sanctions Review Act of 2017 to ensure appropriate congressional review and the continued applicability of sanctions under the Sergei Magnitsky Rule of Law Accountability Act of 2012**

<https://www.govtrack.us/congress/bills/115/s3275>

This bill was introduced by Sen. Ben Cardin on July 25, 2018. It is pending in the Senate Foreign Relations Committee, and it has one bipartisan co-sponsor, Sen. John McCain (R-Ariz.). The Magnitsky Act is a piece of legislation that financier [Bill Browder](#) has labored to have passed in a number of countries around the world. It freezes the assets of a number of Russian officials and oligarchs who have been involved in human rights abuses, and prevents those people from using banks and stock markets in countries where it has been passed. It was named in honor of Sergei Magnitsky, Browder's lawyer, who was tortured and killed in Russia after he uncovered the many ways that Vladimir Putin was stealing public funds in Russia. That is a vast oversimplification of the bill and it namesake, and this [article](#) in the *Atlantic* will provide more information for those interested. This bill would amend the nearly-unanimously passed Countering America's Adversaries Through Sanctions Act ([H.R. 3364](#)) from last year, the bill that mandated Russian sanctions. By inserting the Magnitsky Act into H.R. 3364, it would protect the bill, and prevent President Trump from using it as a bargaining chip in any negotiations with Russia, since President Putin has expressed a fervent interest in seeing the Magnitsky Act repealed.

Senator McCain released the following [statement](#) about this bill:

"The Magnitsky Act remains the best mechanism to hold the Russian government accountable for its gross human rights abuses and provide justice to the Russian people. Putin knows this and has been fighting against it for years. He will do anything to see the Magnitsky Act weakened -- even asking President Trump to hand over a courageous human rights advocate and a former American ambassador for questioning by Russian authorities in exchange for 'assistance' in the Special Counsel probe. President Trump's failure to repudiate this perverse proposal from the outset at the Helsinki Summit and his troubling posture towards Russia demand Congressional action to protect, implement, and enforce this critical legislation."

Senator Cardin added, “Congress needs to assert its expectation that we will have a say in disapproving any Administration changes to this watershed human rights legislation. Congress will continue to hold Russia accountable when the Administration cannot or will not.”

**S.Res. 571/H.Res. 1022: Condemning the ongoing illegal occupation of Crimea by the Russian Federation.**

<https://www.govtrack.us/congress/bills/115/sres571/text>

<https://www.govtrack.us/congress/bills/115/hres1022/text>

The Senate version of this bill was introduced by Sen. Bob Menendez on July 10, 2018, prior to the Helsinki Summit . It was assigned to the Senate Foreign Relations Committee, and had 11 co-sponsors (7D, 4R - including our own Sen. Toomey) but on July 26, 2018 it passed out of committee and was ordered reported. In the aftermath of Helsinki, an identical resolution was introduced in the House by Rep. David Joyce (R-Ohio) on July 24, 2018. That bill does not yet have any co-sponsors, and it is pending in a number of House committees (Financial Services, Foreign Affairs, Judiciary, Oversight and Government Reform, and Ways and Means).

When the bill passed out of committee and was sent to Senate Majority Leader McConnell for consideration in scheduling, Sen. Rob Portman (R-Ohio) made the following [statement](#):

“The United States continues to stand with Ukraine against Russian aggression. As Secretary Pompeo made clear in his declaration yesterday, Crimea was illegally seized from Ukraine by Russia, and the United States must never recognize this illegitimate occupation. This violates not just the rights of the Ukrainian people, but also the fundamental principles of the international order that America has proudly led for more than 70 years. Crimea is part of Ukraine. Until Russia recognizes that fact and returns Crimea to Ukrainian control, the United States must maintain and tighten sanctions on Russia. I applaud the Committee’s passage of this resolution and urge my colleagues to support it when it comes to the floor.”

It is rare enough when Senator Toomey does something we can unequivocally support. You may want to call him and thank him for his sponsorship of this resolution.

**H.Res. 1016: Concurring in the judgement of the assessment provided by the United States intelligence community regarding Russian interference in the 2016 presidential election**

<https://www.govtrack.us/congress/bills/115/hres1016/text>

This resolution was introduced by Rep. Dutch Ruppersberger (D-Md.) on July 23, 2018. It is pending in the House Permanent Select Intelligence Committee and it has 4 bipartisan co-sponsors (3D, 1R - our own Rep. Fitzpatrick). The resolution is brief and it asserts “the intelligence community is comprised of patriotic professionals who provide timely and relevant nonpartisan analysis and assessments that are critical to American defense and interests” and concludes by agreeing with their judgement.

Representative Ruppersberger issued the following [statement](#) when the bill was introduced:

“Our U.S. intelligence community has consistently affirmed that Russia deliberately interfered and influenced the 2016 election. In fact, 12 Russian intelligence officers were just indicted by the U.S. government for compromising our election. Instead of taking Putin on, Trump discredited our own intelligence workers. So if he won’t stand up for our country and our democracy, the House of Representatives will.”

Representative Fitzpatrick’s statement about this resolution can be found in the “Fitzpatrick in the News” section of this report.

**H.Res. 1017: Requesting the President, and directing the Secretary of State, to transmit to the House of Representatives copies of all documents, records, communications, transcripts, summaries, notes, memoranda, and read-aheads in their possession referring or relating to certain communications between President Donald Trump and President Vladimir Putin**

<https://www.govtrack.us/congress/bills/115/hres1017/text>

This resolution was introduced By Rep. Brendan Boyle (D-Penn.) on July 24, 2018. It is pending in the House Foreign Affairs Committee where Rep. Fitzpatrick is a member) and it does not yet have cosponsors. President Trump's two hour meeting with Russian President Vladimir Putin was unusual in that no one was present other than an interpreter. It is rare when meetings between leaders occur without other officials (like the Secretary of State) present, and unprecedented for such meetings to occur without information provided to the public (or even members of the president's own party) about the contents of what was discussed. Accordingly, Rep. Boyle's bill would request information from the executive branch to provide some level of clarity on what was discussed at the closed door portion of the Helsinki summit. Rep. Boyle explained his [rationale](#) for introducing this bill:

"Because President Trump went into the meeting without staff, which is highly unusual, we must take the word of a demonstrated friend of Putin on what happened in that room. I, for one, am unable and unwilling to be satisfied by the President's assurances that he 'gave up nothing.' We all know what happened after the summit: President Trump declared on the world stage that he believed Putin over the U.S. intelligence agencies, providing Putin the propaganda of his dreams. I can only imagine what happened during."

Rep. Fitzpatrick and Rep. Boyle have worked together on a number of bills in the past, and we all know how often Rep. Fitzpatrick likes to be self-congratulatory about his bipartisan tendencies. It would be interesting, then, to ask him to join on as a co-sponsor on this effort from his neighbor.

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!