

## Week ending 09/30/18 - 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 — **31.2%** (no change from last report)

Representative Brian Fitzpatrick — **83.9%** (+**0.6%** from last report)

Senator Pat Toomey — **90.5%** (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. Three House votes were scored this week, all related to "Tax Reform 2.0" with no scored votes in the Senate.

### Words From Our Founders

"Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions. Where there is an excess of liberty, the effect is the same, tho' from an opposite cause."

— [James Madison](#), in the *National Gazette*, 1792

### Votes of Interest -

#### Tax Reform 2.0

Last year's tax reform package from the GOP was mostly concentrated on corporations and the wealthy. As has been widely reported, the richest 1% of our nation accrued 83% of the benefits from that package. The GOP has seen [polling](#) on the topic of the tax bill, and it is generally unpopular amongst the electorate. One part of what made the bill so unpopular is that the GOP showed their hand, in that they made the corporate tax cuts permanent, but had to sunset the individual cuts after 10 years. To correct this perception, less than six weeks out from the election, the GOP leadership brought three bills, cumulatively referred to as "Tax Reform 2.0" to the House floor. You can judge for yourself if it was a coincidence that they did so while the attention of the nation was focused on the Senate and the riveting testimony of Dr. Blasey Ford during the Kavanaugh hearings.

- [H.R. 6756: American Innovation Act of 2018](#)

*The Motley Fool* has the most [concise explanation](#) of this bill. It "...is designed to encourage Americans to start their own businesses. It would do this by allowing qualified new businesses to deduct as much as \$20,000 in start-up costs in the year they are incurred." This bill came to the floor on September 27, 2018, and passed 260-156. A united Republican contingent was joined by thirty-one Democrats, including three Pennsylvanian Dems (Reps. Doyle, Cartwright and Lamb).

**Fitzpatrick voted YES.**

- [H.R. 6757: Family Savings Act of 2018](#)

A [blog](#) for Human Resources professionals had the most digestible explanation of this deeply technical bill. It would change rules for how people can interact with various savings vehicles that previously assessed penalties if they were used prior to retirement. Under this legislation, people could "access their 401(k) and similar accounts penalty-free to pay expenses related to a new child." The bill would create a new general savings account that "would allow participants to annually contribute \$5,500 of after-tax money. The money could be invested in bonds and equities and grow tax free." Additionally, the rules related to 529 savings accounts would be changed. Instead of just being used for college savings, 529s would now be available "to pay for apprenticeship fees to learn a trade, cover the cost of home schooling and help pay off student debt." This bill also came to the floor on September 27, 2018, and passed 240-177. The Republican caucus was unanimous in its support, but was only joined by ten Democrats, including Pennsylvania's Rep. Conor Lamb. **Fitzpatrick voted YES.**

- **[H.R. 6760: Protecting Family and Small Business Tax Cuts Act of 2018](#)**

This is the centerpiece of Tax Reform 2.0, and Vox has the best recap of its contents. They [explain](#) that it "...seeks to make permanent individual tax cuts, small-business income deductions, and a larger child tax credit under the 2017 law that were set to expire after 2025." The House voted on this bill on Friday, September 28, 2018, and it passed with a 220-191 vote. Ten Republicans, all from highly taxed states like New Jersey, New York and California, voted NO. Three Democrats voted YES: two House members running for Senate this year (Reps. Kyrsten Sinema of Arizona and Jacky Rosen of Nevada) and Rep. Conor Lamb of Pennsylvania. **Fitzpatrick voted YES.**

The price tag for this package of cuts is up for debate, depending on the source analyzing the data and the timeframe assessed. *The Washington Post* [reports](#):

The GOP's "tax reform 2.0" would make permanent many of the individual and estate tax provisions in the tax law Republicans passed last fall, which the Congressional Budget Office said would already add about \$1.9 trillion to the deficit, factoring for interest costs. The second round of cuts would cost \$631 billion before 2028 and an additional \$3.15 trillion in the decade after that, according to the Tax Policy Center. The finding was somewhat larger than the \$2.4 trillion cost over 10 years projected by the Tax Foundation, a conservative think-tank.

Whether you depend on conservative or progressive estimates for the cost of these cuts, there is no debate where the GOP plans on getting the money to pay for this bill. House Speaker Paul Ryan has been saying this for over a year. This quote comes from a *Chicago Tribune* [article](#), though you can find many similar quotes in a variety of sources. Speaker Ryan observed, "I think the president is understanding that choice and competition works everywhere in health care, especially in Medicare. This has been my big thing for many, many years. I think it's the biggest entitlement we've got to reform." Other senior GOP caucus members have echoed the plan to address "entitlement reform," their phrasing for the shredding of the social safety net.

Additionally, there is a great deal of doubt whether Tax Reform 2.0 will be brought up in a Senate Committee, let alone make it to the floor before the end of the term. Nicole Kaeding, a director at the Tax Foundation, a nonpartisan tax-policy research group, told [CNBC](#) that "the Senate is not expected to debate these bills." And *Accounting Today* shares that view, [explaining](#), "the legislation can now advance to consideration in the Senate, though it likely won't be taken up anytime soon. Republican leaders are hesitant to take up a bill they don't expect could garner the 60 votes needed to pass." It's not just analysts who doubt the ability of Tax Reform 2.0 to make any headway in the Senate. *Bloomberg* [reports](#) that Rep. Peter King (R-N.Y.) shared his doubts, noting, "this bill is going nowhere and they know it. It's politically bad."

Taken together, this all adds up to a package of bills with no future, designed to counteract a damaging perception of the GOP's 2017 tax bill. This is an election season stunt, so that Republican incumbents under pressure can point to a vote for tax reform that benefits the middle class. It is a sham.

### **H.R. 6157: Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019**

<https://www.govtrack.us/congress/votes/115-2018/h405>

This is the second of the three "minibus" spending bills that are needed, along with one [continuing resolution](#), to avoid a government shutdown in October. *Countable* describes the bill as a "bipartisan bill appropriately funds the needs of America's military, along with the Departments of Education, Labor, and Health and Human Services. It'd also avoid a costly and disruptive government shutdown by giving Congress until December to pass the other spending bills." As a reminder, this passed the Senate last week, 93-7. The third spending bill and wall

funding continued to be an issue unresolved by Congress, so a provision was added to this bill (HR 6157) that would address the unfunded areas of the government, and give them enough cash to function until December. *Bloomberg explains:*

Lawmakers had hoped to seal a deal on a third spending package that funds the Departments of Agriculture, Interior, Treasury, Transportation and Housing and Urban Development among other agencies. Negotiations over that package have stalled over a House attempt to cut funds for financial services agencies. The failure to finish that package means those agencies would get temporary funding and that any December shutdown would be more widespread.

The bill was voted upon on September 26, 2018, and it passed 361-61. **Fitzpatrick voted YES** and the bill has already been [signed into law](#) by President Trump, averting a government shutdown.

### **On the Nomination PN2073: Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2019**

<https://www.govtrack.us/congress/votes/115-2018/s217>

This is a somewhat confusing situation. A seat on the Consumer Product Safety Commission was left vacant when the previous Commissioner, Joe Mohorovic, resigned. The Senate easily confirmed this nominee, Peter Feldman, to fill the remainder of Joe Mohorovic's term, through October 2019. This nomination then became controversial when a second vote was taken, to seat Mr. Feldman for another term of seven years beyond that, through 2026.

Mr. Feldman has a long history of working within the structure of the Republican Party. He was a legislative assistant to former U.S. Senator Mike Dewine (R-Ohio), and he was a campaign aide to Sen. John McCain during the 2008 presidential season, according to a [biography](#) provided by *Martindale*. He has also worked for the National Republican Congressional Committee. Unlike many other Trump Administration nominees, Mr. Feldman does not have a history of a professional career working against the mandates of the body to which he has been nominated. The concerns related to his appointment were more about his political past, and how that would play on this body, which regulates the safety of everything from car seats for infants to electronics. *Class Dismissed*, a [business-friendly blog](#) about class action lawsuits, observed that Mr. Feldman's confirmation would...

...usher in the first Republican-controlled CPSC since 2006 — a radical change from the Commission's 3-1 Democrat majority that existed before Commissioner Baiocco's replacement of prior Commissioner and Obama appointee Marietta Robinson. This could mean a sea change for CPSC's partisan regulatory decisions, which include promulgating safety standards, working with companies on voluntary recalls, and imposing monetary penalties. Earlier this year, departing Commissioner Robinson vocalized that a Trump-appointed majority would "neuter the agency," suggesting that these members would put a pro-business agenda ahead of consumer safety. Ms. Robinson noted that the shift in the Commission's makeup could embolden companies to ignore or stall compliance with CPSC directives.

This nomination came to the floor of the Senate on September 26, 2018, just before all the Senate action moved to the Judiciary Committee. The vote to confirm Mr. Feldman was 51-49, on pure party lines. **Casey voted NO** and **Toomey voted YES**.

### **Special Section: The Judiciary Committee testimony, our Senators respond Bob Casey, via Twitter on 09/27/18:**

"Dr. Ford is credible and persuasive. She is also unbelievably brave. Until I heard her talking about what she experienced, I didn't fully appreciate the terror she felt in that moment, the horror of the physical assault and the psychological trauma of believing she might die. I believe Dr. Christine Blasey Ford. It is appalling that the White House and Senate Republicans would move

forward with this nomination without an FBI investigation into these allegations. As I have said before, I will vote against his nomination.”

*EDITOR’S NOTE: Sen. Casey cannot make any statements or drop press releases via his website, because we are in the 60 day pre-election moratorium period and he is up for election this year..*

**Pat Toomey, via his website on 09/27/18:**

"It was appropriate for Judge Brett Kavanaugh and Dr. Christine Blasey Ford to appear before the Senate Judiciary Committee as the final step in the committee's investigation of Dr. Ford's allegation. Both Dr. Ford and Judge Kavanaugh are to be commended for testifying under such unfortunate and avoidable circumstances. Neither they, nor their families, deserved to be victims of this shamefully politicized process.

"I found Dr. Ford's testimony to be sincere and moving, but lacking important specifics. Judge Kavanaugh's repeated and unequivocal denial was also sincere and very persuasive. In addition, Judge Kavanaugh's testimony has been corroborated and Dr. Ford's testimony has not. All of the witnesses she claimed were present, including her lifelong friend, either failed to corroborate, or refuted, her testimony.

"The other allegations against Judge Kavanaugh are either completely unsubstantiated or preposterous.

"Taking into account today's testimony and everything else that has been presented about Judge Kavanaugh's exemplary character and record, I look forward to voting to confirm him to the Supreme Court."

## **MoC Twitter Action**

**Senator Bob Casey hot topics:** The senator began the week by commemorating the 10th anniversary of the Americans with Disabilities Act Amendments Act, which broadened the definition of “disability” to include a number of new categories. He expressed his support for Dr. Blasey Ford after hearing her testimony at the Kavanaugh hearings, and noted that he wanted there to be an FBI investigation. He also provided information for the Pennsylvania Office of the Victim Advocate and the National Sexual Assault Hotline.

**Casey tweet of the week, 09/28/18:** “Since yesterday’s testimony, many of my constituents have come forward to share their experiences with sexual violence.”

— shared with links and contact information for the Pennsylvania Office of the Victim Advocate and the National Sexual Assault Hotline, 800-656-4673.

**Representative Brian Fitzpatrick hot topics:** This week was all about promoting legislation. The representative shared a link to a floor speech he made, joining colleagues in promoting term limits legislation. He urged local first responder groups to apply for grants under a Department of Homeland Security funding program. And Rep. Fitzpatrick ended the week with a trio of tweets about the House passage of an act to strengthen airplane cockpit security. (*EDITOR’S NOTE: This bill, the Saracini Aviation Safety Act, would put into law rules that the FAA has already been enforcing by bureaucratic regulation since 2002. It is a solution to a problem that doesn’t exist.*)

**Fitzpatrick tweet of the week, 09/24/18:** “We need Congressional term limits. Proud to stand with a bipartisan group of freshmen members @RepArrington, @RepRoKhanna, @RepGallagher as we address this root issue of corruption to make a real, lasting change to business as usual in Washington. Watch”

— shared with a [link](#) to his floor speech on the same topic

**Senator Pat Toomey hot topics:** The senator only tweeted twice this week. In the beginning of the week he shared a news story about a fentanyl seizure by US Customs agents, and used that to promote a bill he has drafted with Sen. Doug Jones (D-Ala.) to deal with synthetic opioids. Later in the week the senator tweeted about Korean War veterans honored at a ceremony in York County.

**Toomey tweet of the week, 09/24/18:** “This past June, 110lbs of illicit fentanyl was found in barrels shipped from China to Philly. Enough to kill every Pennsylvanian twice. @DelcoTimes has more on my work w/@SenDougJones to stop China & others from sending deadly fentanyl here.”

— shared with a link to a [Delco Times](#) article titled “[Toomey visits Delco to push war on fentanyl](#)”

### Honorable mention, lawmaker

From @SenFeinstein (D-Calif.) Ranking Member of the Senate Judiciary Committee on 09/29/18:

“From the moment I received Dr. Ford’s letter my actions have been consistent with her wishes. We kept her letter confidential and did not leak the contents or its existence to anyone. Survivors have a right to decide how their stories are made public.”

— shared with a [clip of her explanation at the committee hearing explaining this confidentiality situation in more detail](#)

### Honorable mention, media

From @jdickerson, John Dickerson of *CBS News* on 09/29/18:

“Questions during the hearing about Dr. Ford’s level of flight fear suggest questions outside those related to the actions on the night in question are appropriate in measuring credibility. Using that same standard, what scope of questions would be appropriate to judge Kavanaugh?”

— asked in response to the [announcement](#) that the White House has put limits on the scope of the FBI’s investigation into Brett Kavanaugh

### Honorable mention, constituent response

From @ToomeyMemes on 09/28/18:

“Your “esteemed” colleague from PA has essentially said that none of that matters. How do you work with this man?”

— asked to Sen. Casey about [Sen. Toomey](#), in response to [Casey’s tweet of the week](#)

### Casey in the News

“What she describes in her interview is a violent sexual assault, which should be disqualifying for a nominee to a lifetime appointment to the Supreme Court.”

— the senator’s comments about Dr. Blasey Ford, as reported in the [Allentown Morning Call](#) article titled “[What have Bob Casey and Pat Toomey said ahead of today’s Kavanaugh hearing?](#)”

“I believe Dr. Christine Blasey Ford. It is appalling that the White House and Senate Republicans would move forward with this nomination without an FBI investigation into these allegations. As I have said before, I will vote against his nomination.”

— from an [Allentown Morning Call](#) article titled [“Pat Toomey, Bob Casey unchanged in views of Kavanaugh nomination after Senate hearing”](#)

“When you have these questions that are presented it’s certainly important there be an FBI report done just to be a continuation and further development of the background check that was done.”

— the senator’s comments after the dramatic events on Friday, resulting the Judiciary Committee’s delayed vote as they await an FBI investigation, as reported in the [PA Homepage](#) article titled [“Casey, Barletta React to Kavanaugh Developments”](#)

“Ensuring the health and safety of families across Pennsylvania is one of my top priorities. That’s why I’ve introduced these measures to strengthen our existing public safety tools, including new protections against drug trafficking and organized crime.”

— the senator’s comments on his bill, the Law Enforcement Resources and Community Safety Act of 2018, from the [Homeland Preparedness News](#) blog post titled [“Bill seeks to assist law enforcement with drug-control efforts”](#)

“One of the reasons I opposed the tax cut last December is it was a huge missed opportunity for the middle class... If we [only cut the corporate tax rate to 26%], every American would benefit. Those kids would grow up to have higher skills. They would be healthier and they would contribute more to the country by doing that.”

— the senator’s complaints about cutting the corporate tax rate from 35% down to 21%, as reported in the [Citizens’ Voice](#) article titled [“Casey eyes minimum wage, health coverage”](#)

## **Fitzpatrick in the News**

“We just want to see more progress being made. I think everybody at their core knows that the way the rules are written need to change. They’re very archaic. They’re very antiquated. They don’t lend themselves to consensus-building and compromise. They don’t lend themselves to progress.”

— from the [Greenwich Times](#) article about the Problem Solvers Caucus titled [“Centrist lawmakers band together to demand House reforms from next speaker”](#)

“A lot of our colleagues here, when you are dealing with the rigors of this job ... give you one piece of advice: Never forget why you ran. Just remember that theme that caused you to make that difficult decision. I think that the reason we all ran was this: term limits to fix a broken system.”

— from the [Ripon Advance](#) blog post titled [“Fitzpatrick remains ‘heart and soul’ behind push for congressional term limits”](#)

“As our nation continues to combat the threat of terrorism, it is crucial that air travel frameworks are enhanced to keep our nation safe. Protecting the cockpits in our nation’s airplanes is critical in preventing commercial airliners from hijacking and deterring malicious actors around the globe. This bipartisan agreement is a major victory for airline safety. We will continue to fight alongside Ellen Saracini until all current passenger aircraft contain secondary barriers.”

— from the [Bucks Local News](#) article titled [“Saracini Aviation Safety Act passes U.S. House, heads to the Senate; act would require new passenger aircraft to have secondary barriers”](#)

“Since America’s earliest days, Congress has had the privilege to recognize extraordinary Americans for extraordinary deeds. Today we are bestowing one of the highest public honors on

Mr. Tom Rossi. For the men and women of the OSS, the patriots who struck a decisive blow to fascism, the United States Mint struck a medal, which we now present to Sergeant Rossi on behalf of a grateful nation.”

— a portion of the congressman’s speech upon presenting the Congressional Gold Medal to 98-year-old US Army Veteran Tech Sgt. Gaetano “Tom” Rossi, as reported in the *Bucks Local News* article titled [“World War II veteran from Lower Makefield awarded Congressional Gold Medal for service in the OSS”](#)

## Toomey in the News

*Courtesy of contributor Elayne Baker*

*Sen. Pat Toomey:* I will have more than enough information after the hearing as I currently understand it to be scheduled.

*Tara Golshan:* So you don’t need to hear more from her? Just from Ford?

*Sen. Pat Toomey:* After the hearing Thursday I will be prepared to vote.

*Tara Golshan:* And what’s the difference between the level of credibility?

*Sen. Pat Toomey:* I will be prepared to vote on Thursday.

*Tara Golshan:* Sorry, I just want to make sure I understand —

*Sen. Pat Toomey:* — And I understand the question.

— an exchange between the senator and a *Vox* journalist, as reported in the *Vox* article titled [“One Republican senator’s revealing explanation of where the party stands on Brett Kavanaugh”](#)

“Taking into account today’s testimony and everything else that has been presented about Judge Kavanaugh’s exemplary character and record, I look forward to voting to confirm him to the Supreme Court.”

— as reported in the *TribLive* article titled [“Pa. senators remain split over Kavanaugh nomination”](#)

“Tens of thousands of service members are immortalized on the Vietnam Veterans Memorial’s iconic black wall, but the 74 American service members who lost their lives on the USS Evans still are not... It is long overdue that we recognize their sacrifice by having their names inscribed on the Vietnam Memorial alongside their fallen brothers. As we approach the 50 year anniversary of the accident, it is important to remember these ‘Lost 74,’ and the sacrifice of thousands of Vietnam Veterans across the country who carry on their legacy.”

— excerpted from the senator’s statement made upon the announcement that those who died on the USS Evans would be added to the Vietnam Memorial, as reported in *The Daily Item* article titled [“Senators honor forgotten Vietnam veterans”](#)

“I wouldn’t be supportive of any legislation to extend the credits. The government shouldn’t be interfering in people’s choices of vehicles based on the merits.”

— the senator objects to a proposal to extend tax credits to energy efficient cars, as reported in *The Daily Caller* article titled [“Dems are Tossing a Lifeline to Tesla as Elon Musk Continues Melting Down”](#)

“The administration must also reach an agreement with Canada.”

— the senator reiterates his belief that any trade agreement between the United States and Mexico must also include Canada to be eligible for the pre-approved fast track status, as reported in a *CNBC* article titled [“US-Mexico trade deal to be](#)

[released as early as Friday will allow Canada to join later, sources say](#)"

"The opioid and heroin epidemic has become increasingly lethal in part due to the widespread presence of illicit fentanyl. Since fentanyl can be fifty times as potent as heroin, just a tiny amount of this dangerous substance can kill a person, including first responders who may be inadvertently exposed to the drug when responding to an overdose victim or a crime scene. For the sake of our communities and the safety of law enforcement, countries like China must stop illicitly exporting fentanyl and improve their drug enforcement efforts now,"

— from the [Fox News article titled "China's fentanyl exports targeted in bipartisan opioid bill"](#)

"I'm going to give her every consideration that I would for any nominee but I do have concerns. It has to do with her work and her views on financial sector regulations."

— the senator's comments on the nomination of economist and International Monetary Fund consultant Nellie Liang to the Federal Reserve Board, as reported in the [Politico article titled "Powell calls key senators to back Trump Fed nominee Liang"](#)

## Legislation of Interest:

### **S. 3498: A bill to designate Federal election day as a public holiday**

<https://www.govtrack.us/congress/bills/115/s3498>

This bill was introduced by Sen. Bernie Sanders (I-Vt.) on September 25, 2018. It is pending in the Senate Judiciary Committee, and it currently has no co-sponsors. There are several initiatives to change our Election Day structure to make it more equitable, but this one is likely to get additional attention because of the relative popularity of its sponsor. Many proposals related to changing Election Day are to move it to a full weekend, or to allow for mail-in opportunities in states that don't currently allow that. Sen. Sanders' proposal is more simple - to use our existing Election Day, but to make it a national holiday. He issued a [statement](#) that explains:

In America, we should be celebrating our democracy and doing everything possible to make it easier for people to participate in the political process.

Election Day should be a national holiday so that everyone has the time and opportunity to vote. While this would not be a cure-all, it would indicate a national commitment to create a more vibrant democracy. We should not be satisfied with a "democracy" in which more than 60 percent of our people don't vote and some 80 percent of young people and low-income Americans fail to vote. We can and must do better than that. While we must also focus on campaign finance reform and public funding of elections, establishing an Election Day holiday would be an important step forward.

If you believe that people with multiple jobs, inflexible work schedules or child care needs should have a better chance of being able to make it to the polls on Election Day, please call our senators and express your support for this initiative.

### **S.J.Res. 64: A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Treasury relating to "Returns by Exempt Organizations and Returns by Certain Non-Exempt Organizations"**

<https://www.govtrack.us/congress/bills/115/sjres64/text>

This resolution was introduced by Sen. Jon Tester (D-Mt.) on September 24, 2018. It has not been assigned to a committee (though it may well end up in the Senate Banking, Housing, and Urban Affairs Committee, where both of our Pennsylvania senators are members), and it has two Democrat co-sponsors.



Back in July the Treasury Department issued a ruling that would protect the source of dark money groups and their donors. *Huffington Post* [reported](#):

The U.S. Treasury said on Monday that it will no longer require certain tax-exempt organizations including politically active nonprofit groups, such as the National Rifle Association and Planned Parenthood, to identify their financial donors to U.S. tax authorities... The change protects the privacy of wealthy donors of “dark money” donations to politically active groups. Conservatives have complained that the disclosures to the IRS, though not public, were susceptible to media leaks.

This rule change was of particular concern to ethics watchdogs and people interested in the Mueller investigation. Foreign entities, people or corporations, are to have no financial involvement in political campaigns. But political action groups are intimately involved in elections. So if the Treasury Department and IRS no longer require donor disclosures from these ‘politically active nonprofit groups,’ there would be nothing to stop foreign entities from pouring election-influencing cash into them, as using them as fronts for foreign interference.

This legislation from Senators Tester, McCaskill and Wyden would use the Congressional Review Act, the same vehicle that the Republicans used to overturn so many Obama-era rules, to overturn this invitation to illegal election interference from other countries. Senator Ron Wyden (D-Ore.) was eloquent in his [defense](#) of this move:

This measure reverses course on an undemocratic Trump agenda to empower shadowy groups that seek to buy our elections. It couldn't come at a more important time. Over the next few weeks political ads will be flooding the airwaves. Because of the Trump administration's new dark money rule, tax authorities won't know whether those ads are being paid for by foreign governments or individuals. Opposition against my resolution with Senator Tester is an endorsement of the Trump administration's plan to further cripple campaign finance transparency.

We should all be outraged at the idea of the US Treasury opening a door to encourage election interference from other countries. Please call both Senators Casey and Toomey to ask them to support this legislation.

### **H.R. 6923: To require congressional approval of certain trade remedies**

<https://www.govtrack.us/congress/bills/115/hr6923>

This bill was introduced by Rep. Mark Sanford (R-S.C.) on September 26, 2018. It is pending in two committees, House Rules and House Ways and Means. The bill has one co-sponsor, Democrat Rep. Jim Cooper of Tennessee. This bill is a direct response to the escalating trade war between President Trump and China, as well as Trump's decision to levy tariffs against a number of our allies. Some months back MoCTrack had a Learning about Legislation piece on [tariffs](#) and who has the right to raise them. If you would like to review the whole background on this debate, that piece would be a good starting point. Rep. Sanford also recaps the situation in a [statement](#):

Although the power to impose tariffs is one our Constitution explicitly grants to Congress, modern history is filled with examples of the executive branch imposing tariffs without Congress's approval...or even a congressional debate. Our Founding Fathers were deliberate in setting up a system of checks and balances, and regardless of your views on the global trading system, the underlying balance of powers should be respected. Given recent events, I think Congress needs to reclaim its seat at the table, and this bill is a simple and effective way to give Congress a more proactive role in trade policy.

Another good place to review the more current details on the trade situation is this *Wall Street Journal* [opinion piece](#), that Sen. Toomey has helpfully archived on his website, so that one need not pay to read it. Toomey has introduced his own version of similar legislation in the Senate with Sen. Corker. The House is out on recess in the run up to the midterms, so this will not see any action until they return to Washington. But if the tariff situation between the President and China

heats up in the next month, be prepared to see some movement on this bill in the lame duck session of the 115th Congress.

**H.Con.Res. 138: Directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress**

<https://www.govtrack.us/congress/bills/115/hconres138/text>

This resolution was introduced by Rep. Ro Khanna (D-Calif.) on September 26, 2018. It is pending in the House Foreign Affairs Committee (where Brian Fitzpatrick is a member), and it has 31 bipartisan co-sponsors (29D, 2R).

Regular readers of MoCTrack will know that war powers and Authorizations for Use of Military Force (AUMFs) are a topic of some interest to our editor. To read more about how the current state of affairs came to be regarding who controls war powers, please see this [Learning about Legislation piece](#). The key here is that the Constitution has given Congress the sole authority to declare war, but for decades presidents have been bending and warping that rule to insert their own involvement in that process. There are [two current AUMFs](#) that are in effect. One was passed in 2001 and allows action against “nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on Sept. 11, 2001.” A second AUMF was passed in 2002 and it allows for actions “to (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.” In the past 17 years those AUMFs have enabled presidents to deploy armed forces to Afghanistan, Iraq, Syria, Yemen, Somalia, Libya, Kenya, Niger, Cameroon, Uganda, South Sudan, Democratic Republic of Congo, Central African Republic, Djibouti, Jordan, Turkey, Egypt, Cuba, and Kosovo.

Currently, there is a war in Yemen, and the United States is involved, via supplying military hardware and by intervening with technology and personnel. It has been called “[the world’s worst humanitarian crisis](#)” and a “[man-made humanitarian disaster](#), with 16,700 civilians killed or wounded, 8.4 million people facing famine, a nation torn apart and an economy destroyed.” This Concurrent Resolution would direct the President to pull forces out of this war that has not been authorized by Congress. We at MoCTrack are deeply concerned about the executive branch usurping powers that belong to the legislative branch, and are always happy when Congress reasserts its authority. If you feel this way as well, please contact your representative to express your support of “House Concurrent Resolution 138.”

**Rep. Fitzpatrick’s Presidential Tax Transparency Act**

The September 28, 2018 *Doylestown Intelligencer* contained an [announcement](#) that Rep. Fitzpatrick was sponsoring a bill called the Presidential Tax Transparency Act, demanding the release of tax records for all presidential candidates. This bill does not yet show up on Congress.gov nor Govtrack.us, so one presumes the Representative made the announcement in advance of actually introducing the legislation via proper channels. Additionally, there already IS a Presidential Tax Transparency Act - [H.R. 305](#), introduced by Rep. Anna Eshloo (D-Calif.) on January 5, 2017. That bill has 169 co-sponsors, including four Republicans. Rep. Fitzpatrick is not one of those four.

Lastly, Rep. Fitzpatrick has voted a number of times to protect the President from having to disclose his tax returns:

**SUMMARY: Fitzpatrick Repeatedly Voted Against Releasing Trump's Tax Returns**

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- Fitzpatrick Voted For Killing A Motion To Require President Trump To Disclose His Tax Returns.** [Motion, [Vote #392](#), 7/19/17; CQ Floor Votes, 7/19/17]
- **Fitzpatrick Voted For Killing A Motion To Require President Trump To Disclose His Tax Returns.** [Motion, [Vote #311](#), 6/21/17; CQ Floor Votes, 6/21/17]
- **Fitzpatrick Voted For Killing A Motion To Require President Trump To Disclose His Tax Returns.** [Motion, [Vote #292](#), 6/7/17; CQ Floor Votes, 6/7/17]
- **Fitzpatrick Voted For Blocking Efforts To Force The Disclosure Of President Trump's Tax Return.** [H Res 375, [Vote #290](#), 6/7/17; CQ, [6/7/17](#); DemocraticLeader.gov, [6/7/17](#)]
- **Fitzpatrick Voted For Blocking Efforts To Force The Disclosure Of President Trump's Tax Return.** [Motion, [Vote #274](#), 5/17/17; CQ, [5/24/17](#)]
- **Fitzpatrick Voted For Blocking A Bill To Require Presidential Candidates To Release Tax Returns.** [H Res 324, [Vote #263](#), 5/18/17; CQ, [5/18/17](#); DemocraticLeader.gov, [5/18/17](#)]
- **Fitzpatrick Voted For Blocking Efforts To Force The Disclosure Of President Trump's Tax Return.** [Motion, [Vote #261](#), 5/17/17; CQ, [5/17/17](#)]
- **Fitzpatrick Voted For Requiring Major Party Candidates For President To Release Three Most Recent Tax Returns.** [HR 305 (HRes 275), [Vote #224](#), 4/26/17; CQ, [4/26/17](#)]
- **Fitzpatrick Voted For Killing A Motion To Require President Trump To Disclose His Tax Returns.** [Motion, [Vote #219](#), 4/5/17; CQ Floor Votes, 4/5/17]
- **Fitzpatrick Voted For Killing A Motion To Require President Trump To Disclose His Tax Returns.** [Motion, [Vote #201](#), 3/28/17; CQ Floor Votes, [3/28/17](#)]

**SUMMARY: Fitzpatrick Repeatedly Voted Against Releasing Trump's Tax Returns**

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- Fitzpatrick Voted For Killing A Motion To Require President Trump To Disclose His Tax Returns.** [Motion, [Vote #392](#), 7/19/17; CQ Floor Votes, 7/19/17]
- **Fitzpatrick Voted For Killing A Motion To Require President Trump To Disclose His Tax Returns.** [Motion, [Vote #311](#), 6/21/17; CQ Floor Votes, 6/21/17]
- **Fitzpatrick Voted For Killing A Motion To Require President Trump To Disclose His Tax Returns.** [Motion, [Vote #292](#), 6/7/17; CQ Floor Votes, 6/7/17]
- **Fitzpatrick Voted For Blocking Efforts To Force The Disclosure Of President Trump's Tax Return.** [H Res 375, [Vote #290](#), 6/7/17; CQ, [6/7/17](#); DemocraticLeader.gov, [6/7/17](#)]
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Knowing all of this, it is up to you to decide if the Congressman's introduction of this bill after the House has left Washington not to return until after the midterm elections, is a real change of heart on behalf of our Representative, or merely an election season stunt to burnish the bipartisanship he is so heavily promoting.

This report brought to you by the PA-08 MoCTrack team...

Elayne Baker

Gary Garb

Kierstyn Piotrowski Zolfo

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!