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This Week in Congress and Washington

House

Yesterday, the House passed a rules package outlining House procedure for the 118th Congress. To secure enough votes to claim the Speakership, House Speaker Kevin McCarthy (R-CA) agreed to make several changes to the rules package. These accommodations include a commitment to hold a floor vote on legislation that would establish term limits for House Members as well as a measure allowing a single member to force a “motion to vacate” the Speakership.

Unpacking the House GOP's New Rules: A Handy Guide to the Changes

Katherine Tully-McManus, *Politico*

The House rules plan that amounted to Speaker Kevin McCarthy's first legislative victory on Monday night brings much bigger consequences than 55 pages suggest – it will shape the chamber's operations and what bills can win approval over the next two years.

Adoption of the rules package is a routine step in setting up any new Congress, but what is traditionally seen as a “housekeeping” issue will effectively determine how Republicans can govern the chamber. That's why the rules measure was the centerpiece of high-stakes negotiations between McCarthy and the crop of rebellious conservatives who kept from the gavel for much of last week, talks that started just after the House was called for Republicans in November.

Even before they started hashing out handshake deals as McCarthy scrambled for votes to become speaker, conservatives had already racked up victories in the rules package. They had pushed for, and won, provisions that require bills be focused on a single subject – part of an effort to reign in sprawling, take-it-or-leave-it legislative behemoths that both parties’ leaders have muscled through in the past.

Their victories only grew as McCarthy pushed toward his 15th-ballot speakership victory, however: Conservatives successfully pushed to allow a single member to propose what’s known as a “motion to vacate the chair,” a vote that would effectively topple a sitting speaker. And they secured the ability to seat three of their own on the House Rules Committee, which would give McCarthy’s right flank de facto veto power over any bill that comes to the floor.

Conservatives are also claiming victory on enshrining a rule first put in place by Democrats: requiring bills to be released at least 72 hours before a floor vote. But the package approved Monday night includes no new language to enforce that mandate.

At the heart of the rules push by rank-and-file conservatives, including many in the Freedom Caucus, is a desire to shape a more inclusive legislative process that concentrates less power with leadership. To that end, they have secured promises from leaders that aren’t formally written down in the rules, such as allowing more amendments to be considered on the floor and more widely distributing committee positions.

No matter the size of their victories on their side of the Capitol, though, House conservatives are soon to meet up with a harsh reality: Most legislation that passes their chamber is expected to be dead on arrival in the Democratic-controlled Senate.

Here’s a look at the most consequential elements of the rules package that passed Monday night:

PAYGO vs. CUTGO

Republicans have killed Democrats’ “pay-as-you-go” rule, often shorthanded as PAYGO. It had required legislation that would add to the deficit to be offset with tax increases or spending cuts.

The GOP has replaced PAYGO with what it’s calling CUTGO, which requires mandatory spending increases to be offset only with equal or greater decreases in mandatory spending – no new taxes allowed. The GOP last put this into place in the 112th Congress.

That doesn’t mean that deficit-increasing tax cuts are off the table. The CUTGO rule only requires offsets if bills would increase mandatory spending within a five-year or 10-year budget window. For example, Republicans could pass extensions of the 2017 Trump tax cuts, some of which have set to expire in 2025 (while others already have).

The first bill Republicans are bringing to the floor once the rules package is adopted would increase the deficit by more than \$114 billion over a decade, according to a nonpartisan Congressional Budget Office analysis released Monday. The measure from Adrian Smith (R-Neb.) would roll back about \$80 billion in IRS funding and decrease revenues by nearly \$186 billion.

Supermajority on Taxes

House Republicans' historically slim majority will, in its rules package, constrain itself severely on tax rate increases – requiring a three-fifths supermajority vote to pass any.

In practice, however, that's more of a statement of ideology than a policymaking gesture. Unlike in the Senate, where 60 votes are needed to steer most bills past a filibuster, in the House Republicans will have nearly total control over what legislation and amendments are considered on the floor. And, of course, they aren't interested in moving proposals to increase tax rates.

Goodbye, 'Gephardt Rule'

The package purges the Democrats' so-called "Gephardt rule," which had allowed the House to automatically send a measure extending the debt limit to the Senate when it adopts a budget resolution. That maneuver had been used to let the House avoid a direct vote on lifting the debt ceiling.

There is broad agreement that the U.S. defaulting on its debt would trigger unprecedented fiscal calamity, but the return of this rule could bring back the debt ceiling brinkmanship that took hold on the Hill in 2011 when the U.S. credit rating was downgraded for the first time. Congress is expected to have to act on the debt ceiling sometime by spring.

Hello, 'Holman Rule'

Republicans have revived the "Holman rule" originated in the 19th century that allows Congress to amend spending bills with the intent of salary reduction or employee termination or cutting a specific program.

In recent years the rule was used to reduce the salary of the administrator of the Western Area Power Administration to \$1 and to eliminate 89 positions at the Congressional Budget Office's Budget Analysis Division. Both proposals failed to become law.

But Democrats are raising the alarm about the Holman restoration nonetheless. Rep. Gerry Connolly (D-Va.) warned last week that Republicans could use it to "dismantle the federal workforce and carry out political vendettas at the expense of career civil servants."

Committee Oversight

To make good on their pledges of more federal government accountability, Republicans are requiring every committee to submit a plan for authorization and oversight to the Oversight and House Administration Committees by March 1.

They also want a full accounting of any unauthorized federal programs and agencies that received funding in the last fiscal year. The rules package further requires committees to weigh whether any programs should be moved from mandatory funding to discretionary funding, which would force that spending out of an automatic process every year and into one controlled by lawmakers.

The House Appropriations, Ethics and Rules Committees are exempt from that mandate.

McCarthy's Concessions Spur Fears of Potential Default, Government Shutdown

Alexander Bolton, *The Hill*

The concessions Speaker Kevin McCarthy (R-Calif.) agreed to in a bid to appease conservative rebels set up showdowns this year with Senate Democrats and President Biden on the debt limit and the annual spending bills – heightening the danger of a national default or a government shutdown, political strategists say.

McCarthy's promises all but guarantee a standoff with Senate Democrats and Biden later this year, particularly those to attach spending cuts to legislation to raise the debt limit and to cap discretionary spending at fiscal 2022 levels.

Democrats have refused to negotiate adding spending cuts or other fiscal reforms to any debt limit legislation over the past decade.

And they say McCarthy's promise to cap discretionary spending at the levels set by the fiscal 2022 appropriations bills, which would require a big cut to the current federal budget baseline, is a nonstarter.

One Senate Democratic aide predicted a stalemate in spending negotiations this year and forecast that Congress will only agree to passing yearlong continuing resolutions that would keep federal spending frozen.

Further complicating the situation, McCarthy has pledged to pass the twelve annual appropriations bills individually, something Congress hasn't done on time in decades.

"I don't think it's realistic at all, and certainly even if it's achievable, it's not desirable," said Scott Lilly, a former Democratic staff director of the House Appropriations Committee, of McCarthy's promise to cap federal discretionary spending at fiscal 2022 levels.

Lilly noted that high inflation, which measured at 7.1 percent on an annual basis in November, would increase the impact of the cuts under discussion among House Republicans.

The omnibus Congress passed in December increased discretionary defense spending by 9.7 percent and nondefense, nonveterans-related spending by 5.5 percent.

The prospect of capping spending at fiscal 2022 levels has already set off a new round of infighting between conservative budget hawks and national defense-minded Republicans in the House who don't want to claw back new money approved for the Pentagon.

"The Republican Conference is about to go to blows over the defense cuts," Lilly said, predicting the turmoil over spending is likely to result in a government shutdown later this year.

"I think it's very likely," he said. "Given the number of shutdowns we've had in the last 30 years and the consequences of each of them, you'd think someone would get the message that it's not good policy and it's not even good politics."

"But I think you got a very select group of people in the House at this moment in time that don't get that message," he added.

McCarthy will be under heavy pressure to deliver on his promises to cut federal spending because he also agreed to a new House rules package that would allow any member to call for a motion to vacate the Speaker's chair.

That means if any conservative in the House GOP conference feels angered or disappointed by whatever spending deal McCarthy brings to the floor, he or she could force a vote to oust him as Speaker.

Ray Zaccaro, a Democratic strategist and former Senate aide, said McCarthy's difficulty in getting elected Speaker shows he has little leverage over House conservatives who want to force showdowns over the debt limit and spending.

"We don't even know if we can even predict that there will be a Kevin McCarthy Speakership for very long," he said. "That draws into question how the House is going to function."

He added there is no desire among Democrats to help McCarthy deliver on his big promises to fiscal conservatives.

"Nobody right now is going to agree to any of the very hyperbolic, frenzied agreements that Kevin McCarthy may have made to secure the gavel," he said.

"How long is it going to take before Kevin McCarthy is compelled to shut down the government for something?" he asked.

If House Republicans agree to exempt the Defense Department from cuts, it would require cutting domestic discretionary spending by roughly 25 percent in real dollars to meet the goal of capping spending at fiscal 2022 levels, according to Shai Akabas, the director of economic policy at the Bipartisan Policy Center.

Akabas estimates the cuts would be steeper if veterans programs and the Department of Homeland Security were also protected.

Such deep cuts to nondefense programs have no chance of passing the Democratic-controlled Senate, say Democratic aides and strategists.

"There's already been a tiff up there about defense spending. I don't believe you can get fiscal 2022 numbers through the system for fiscal 2024. I don't believe you can do that. I don't think the votes are even close to doing that," said Jim Dyer, a senior adviser at Baker Donelson with 30 years of experience working on the House Appropriations Committee.

Dyer, a longtime Republican aide, said, however, that the risk of Congress failing to pass debt limit legislation in time poses more danger to the national economy than a government shutdown.

"I am far more worried about the debt-ceiling issue than I am a government shutdown," he said. "Sometimes I wonder if the members have a great appreciation of what all is at stake here."

"With the debt-ceiling issue, you're talking about defaulting on the government's full faith and credit. I don't know how you can do any greater harm to this country than doing that," he said. "In a divided government I think it will be challenging to come up with a level of [spending] reductions that offset what you would be trying to do when you're adjusting the top line [debt number.]"

"I think it's going to be difficult," he added of the spending battles between the Senate and House.

Brendan Buck, a former senior adviser to former Speaker John Boehner (Ohio), who led the House GOP majority during the 2011 standoff over the debt limit, thinks another showdown is likely this year.

“I’m not saying it’s healthy to worry about the debt limit every day for the next nine months, but I am saying you probably should,” he tweeted Monday.

The Treasury Department hasn’t said when exactly the nation will exhaust its borrowing authority but it is expected to happen sometime after July.

Zach Moller, a former Senate Budget Committee aide who now directs the economic program at Third Way, a centrist Democratic think tank, warned that the negotiations over debt-limit legislation could very well run past the deadline set by Treasury.

“The House Republicans really seem to want to drag their feet on the debt limit,” he said, adding that McCarthy made additional private concessions to conservatives that were included in a secret three-page addendum included in the new House rules package.

“I’m really worried that the unknown nature of the X-date, the default date, and how slow the House may move, we may find ourselves in a situation where we’re defaulting,” he added.

Moller said he expects a government shutdown later this year because McCarthy will be under pressure to cater to conservatives who opposed his election to Speaker.

“I do expect a little bit of a government shutdown this year because I feel like McCarthy is going to view it as a win, as red meat for a lot of the spending hawks in his caucus. How he gets himself out of a shutdown is a completely separate issue,” he said.

Moller noted that the usual tactic for avoiding a shutdown, passing a stopgap spending measure that freezes federal spending, would fall short of his pledge to cap spending at fiscal-year 2022 levels.

Conservative rebels last week pressed McCarthy to promise he would take a hardline stance on pairing major fiscal reforms to debt-ceiling legislation.

Rep. Ralph Norman (R-S.C.) said conservatives who opposed McCarthy’s election to Speaker wanted to see “changes” in the GOP’s leadership approach to the debt limit.

“Is he willing to shut the government down rather than raise the debt ceiling? That’s a non-negotiable item,” he told reporters.

Rep. Jason Smith Wins Three-way Contest for Ways and Means Gavel

Laura Weiss, *Roll Call*

Rep. Jason Smith, a self-proclaimed “firebrand” preaching a populist image of the GOP, won the nomination to be chairman of the Ways and Means Committee.

The 42-year-old Republican representing a rural Missouri district is set up to gain a powerful gavel overseeing measures that impact federal revenue and spending, from the tax code and trade policy to Medicare and Social Security.



Once the House Republican Conference formally ratifies the steering panel selection, Smith will become the youngest-ever chairman of Ways and Means. He'll break the previous record set by former Rep. Paul D. Ryan, R-Wis., who was just shy of 45 when he became chairman in 2015 before ending that year as speaker.

Smith said Monday that his pitch to Republicans was the record of his work as Budget's top GOP member and that "providing for working-class Americans is my focus."

Smith got the nod in a secret-ballot vote Monday of the Republican Steering Committee that nominates committee chairs. He pulled it off after being the last candidate to jump into the race and even as he jumps the line in seniority over competitors, Reps. Vern Buchanan of Florida and Adrian Smith of Nebraska.

In a statement after the vote, Smith in a statement called it "deeply humbling and an honor" to be selected.

"With our new House Republican majority, we have made a commitment to the American people to build a stronger economy that gives everyone – not just the wealthy and politically-connected – greater opportunity to build a more prosperous future for themselves and their families," Smith said.

The vote went to a second ballot after no candidate won majority support on the first ballot. Adrian Smith, with the least number of first-ballot votes, was eliminated, leaving Jason Smith and Buchanan going head-to-head.

After the vote, Buchanan released a statement congratulating Smith, saying he looks forward to working with him on the panel's expansive agenda. But he expressed regret at the "big loss for Florida" and its large House delegation.

"Florida deserves a seat at the leadership table. Our party needs to move forward and show the country that we're ready to lead," Buchanan said.

Adrian Smith released his own congratulatory statement after the vote, saying his competitor's success "means success for the entire [GOP] conference and – more importantly – for the American people."

Fundraising, Relationships

Numerous factors likely played into the sixth-term Republican prevailing, including placing himself alongside Buchanan among top fundraisers to help the GOP win the House in November and his involvement in negotiations last week that helped Kevin McCarthy secure the speaker's gavel.

Personal relationships, including with McCarthy, and his vision for the role were also likely among factors.

And he'll need to use all his skills and relationships to navigate the thicket of fiscal policy coming Republicans' way this year. On the top of the agenda is likely to be a nasty debt ceiling battle with conservatives demanding steep spending cuts in domestic programs as their price for raising the national borrowing cap.

Smith was the top Republican on the Budget Committee last Congress and planned to seek that panel's top slot again if he didn't win Ways and Means.

Smith is known for animated speeches during committee meetings, and served as a top GOP voice opposing Democrats' tax and spending plans over the last two years, helping Republicans hone their messaging against multiple budget reconciliation bills.

"Do I bring a firebrand to the committee? Absolutely," Smith said in an interview last fall. "But I'm reflective of our party."



'Cut From a Different Cloth'

Smith's style and record led several Ways and Means Democrats to raise concern about bipartisanship if he won the gavel.

Rep. Dan Kildee of Michigan said last fall that his competitors had the demeanor to facilitate bipartisanship, but that "Mr. Smith is cut from a different cloth."

Still, facing a Democrat-controlled Senate and White House, Smith said he's worked with committee Democrats and would continue to as long as it doesn't compromise his values.

Those values include using the panel to execute his vision of the Republican Party as one serving the working class over big corporations.

He's said that he'd pursue tax policies to incentivize domestic energy, food, and health care production; hold hearings to review what worked and should be extended from the 2017 GOP tax code overhaul (PL 115-97); reconsider tax breaks for "woke corporations;" and aim to cut the trade deficit with China and other countries.

Smith said at a Punchbowl News event last year that he believed he could find "true agreement" with Democrats on issues like expanding the child tax credit.

He's emphasized the need for work requirements on the benefit for families with children, while Democrats have pressed to open it more broadly, arguing that single mothers and grandparents who serve as primary caregivers might not be able to work, but should still get aid.

Ways and Means ranking member Richard E. Neal, D-Mass., congratulated Smith on his win.

"We have worked together for years on some of the most consequential issues, and I look forward to continuing the committee's tradition of rising above politics to do what's best for the American people," Neal said in a statement.

Smith has also pledged aggressive oversight as Ways and Means chairman, including of the nearly \$80 billion in IRS funding to boost tax enforcement that Democrats delivered last year, leaks of taxpayer data and the Biden administration's efforts to negotiate a 15 percent global minimum tax on companies' earnings.

With the IRS a particular target of Republicans, he's said he'll set up a hotline for agency employees to report concerns to Congress.

"When I talk about oversight, it's going to be aggressive," Smith said in a December interview. "The American people deserve answers and the American people deserve their government to be effective and to work for them, not their government to target them."

'New Precedent'

Smith has also signaled he could use the gavel to seek tax records of President Joe Biden's family members, which would likely set up sharp clashes with Democrats.

After Ways and Means Democrats released former President Donald Trump's tax returns just before the last Congress ended, Smith said in a statement that the move would "forever change" the nature of congressional oversight.

“Come January, Democrats will only have themselves to blame for this new precedent, as they have now given the incoming Republican majority the clear authority to use tools at the committee’s disposal to investigate whether President Biden and his family have enriched themselves off the Washington Democrats’ agenda,” he said.

Biden and first lady Jill Biden have released their tax returns publicly, including their latest 2021 filings, as have Vice President Kamala Harris and second gentleman Douglas Emhoff.

Smith has also argued he has relationships throughout the GOP’s 222-member conference that will help him navigate a narrow Republican majority – which already proved difficult by complicating McCarthy’s speaker bid.

To get the Ways and Means gavel, a majority of the House Republican Conference still has to approve Smith’s nomination. It’s unlikely they’d reject a pick from the steering committee, which is made up of more than 30 members including GOP leadership and representatives of different parts of the conference mostly based on geography. McCarthy and Majority Leader Steve Scalise, R-La., have extra votes.

If approved, Smith would succeed former Rep. Kevin Brady of Texas, who retired from Congress after a six-year run atop the GOP side of Ways and Means that included shepherding through the party’s 2017 law to cut the corporate tax rate and trim most individual income tax rates. Republicans’ conference rules limit committee chairs to serving three straight terms, meaning this would likely kick off a six-year run atop Ways and Means.

Smith will become the second Ways and Means chairman to represent Missouri in Congress. The first was Rep. John S. Phelps, a Democrat who held the gavel in 1858-9.

Is the 118th Congress Headed for a Wreck?

Charlie Cook, *National Journal*

In the aftermath of the tumultuous election of House Speaker Kevin McCarthy, it’s difficult not to see the 118th Congress as an impending train wreck.

Even in the most tranquil moments in American history, a president of one party facing a divided Congress is rarely a marriage made in heaven. But the chemistry in this situation, in which a relatively united Democratic Party narrowly controls the Senate while Republicans are at war with each other in the House, is particularly toxic.

Not since the turbulent period before the Civil War through Reconstruction has Congress been as bitterly divided and less able to deliver on what the country needs.

While it may be premature to declare that McCarthy traded away all the position’s power in order to gain the prestigious title, hold the gavel, and inhabit the speaker’s suite of offices in the Capitol Building, it would be hard to refute that today.

After more than three decades with power in the House centralized in the hands of powerful speakers such as Democrat Nancy Pelosi and Republican Newt Gingrich, what happens if this new Republican leadership becomes neutered? A historically weak speaker usually means more-powerful committee chairs, but that looks unlikely at this point.

On Monday night, the House took up proposed rules changes that would badly undermine the chairs of the Rules, Ways and Means, Appropriations, and Armed Services committees, positions normally populated by members hand-selected by leadership.

No party likes to look divided and incompetent. Democrats suffered through a nine-month stretch like that a year ago. But the fact that they ended up not getting massacred in November shows that it is survivable.

Republicans should pray that this, too, shall pass. But looking down the road, it is easy to get concerned, if not outright depressed, that during the year the government's debt limit will have to be raised to avoid an economic calamity.

Add a farm bill that is crucial to rural America and a host of other must-pass measures, and it just isn't easy to see how that all happens. Can so many House members who have been in Congress for such a short period of time fathom the consequences of various actions?

We have grown used to dire situations turning out OK in the end, but can we count on that now?

When did our politics start getting this crazy? Just three decades ago, we had a left-of-center Democratic Party and a right-of-center Republican Party. But both were still ideologically and geographically diverse, with plenty of members who were ready, willing, and able to temper the excesses of the ideologues and hotheads in their caucuses.

That loss of soothing influences, which included moderate and conservative Democrats and liberal and moderate Republicans – many elected from cities and suburbs – has had a profound effect on the system on so many levels.

Perhaps the race to today's chaos can be traced to 1993, when Gingrich staged a coup in the House Republican Conference, effectively pushing out the genteel Minority Leader Bob Michel and igniting a wild ride that led to a government shutdown in 1995 and the impeachment of President Clinton in 1998.

Then there was Donald Trump's ride down the gold elevator in New York City to announce his candidacy for president in the summer of 2015, culminating in his February 9, 2016, New Hampshire Republican primary victory with 35.25 percent of the vote, besting more-traditional Republicans such as Jeb Bush, Chris Christie, Ted Cruz, John Kasich, and Marco Rubio, and shaking the Republican Party to its foundations.

The Gingrich coup and Trump's ride down the elevator culminated last Friday in a scene on the House floor that no one in modern politics has witnessed, as McCarthy stumbled his way to the speaker's office on a 15th ballot.

Among the most memorable moments was the widely reported scuffle on the House floor, ably reported by Aaron Blake in *The Washington Post*:

"Rep. Matt Gaetz (R-Fla.) voted 'present' and left McCarthy at exactly 50 percent of the vote.

"That led to a near-physical altercation in which Rep. Mike Rogers of Alabama had to be restrained from a physical confrontation with Gaetz.

"Rep. Tim Burchett (R-Tenn.) remarked of the scene, 'People shouldn't be drinking, especially when you're a redneck, on the House floor.' He added of Rogers, 'I would drop him like a bag of dirt.'"

Blake added: "Regardless of the alleged role of alcohol, the dynamics that led to this scene and these words aren't going anywhere."

Notable was Burchett's previous flurry of both local and national press in 1999, when as a Tennessee state senator, he proposed a roadkill food bill that said, "Wild animals accidentally killed by a motor vehicle may be possessed by any person for personal use and consumption." Burchett was later elected mayor of Knox County before his successful race for Congress in 2018.

As Blake noted in the *Post* piece, Republican John Boehner, looking back on his own election as speaker in 2011, found that it was like getting elected mayor of "Crazytown." It's hard to argue with Boehner now.

PAC Events

There were no PAC events the week of January 3.

Special Acknowledgements

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