

## Week ending 10/15/17 - PA-08 MoCTrack Report

A few notes on this week's report and coverage for coming weeks... First, some of the sections have moved around. In particular, the votes of our MoCs have moved to page one, since that is information that I get the most requests about. Second, as we draw closer to 2018 and the midterm elections, more and more of the media coverage and news will be focused on the political races. It is the intention of this Member of Congress Tracking Report to keep track of what our Congressmen are up to legislatively. It is not our plan to document the ins and outs of the run-up to the election - the newspapers provide adequate coverage of that aspect of politics. Sometimes the two are inseparable, and when candidate stump speeches include new or interesting policy statements, we will include them here. But for the most part, this report will continue to focus on what our MoCs are doing, how they are voting, what they are saying, and the legislation that is showing up on their desks for review.

### Tracking Congress in the Age of Trump

The lower the number, the more the legislator is in opposition to the Trump agenda.

Senator Bob Casey - **28.6%** (no change from last week)

Representative Brian Fitzpatrick - **81.3%** (**+0.4%** from last week)

Senator Pat Toomey - **91.7%** (no change from last week)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index assessment. The numbers for our Senators are static because there were no scored votes this week. Rep. Fitzpatrick's score moved further towards Trump because of his vote on a disaster relief package that Trump promoted.

### Votes of Interest

The Congress did not do a lot of voting this week. The Senate did not have any votes at all, and the House held votes on a handful of legislation, with several of those on naming post offices.

#### **H.Res. 569: Providing for the concurrence by the House in the Senate amendment to H.R. 2266, with an amendment**

<https://www.govtrack.us/congress/bills/115/hres569/text>

AND

#### **H.R. 2266: Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017**

<https://www.govtrack.us/congress/bills/115/hr2266/text>

This is a tricky little bit of legislative business. H.R. 2266 used to be a different bill entirely, one about bankruptcy judges, and it had passed both houses some time ago. H. Res. 569 is a resolution that calls for the text of H.R. 2266 to be changed, adding on it a bunch of unrelated text (but still leaving in the bankruptcy judge stuff too). A [New York Times](#) article describes the new content as "...a \$36.5 billion aid package that would provide hurricane and wildfire relief funding while bailing out the financially troubled National Flood Insurance Program. The aid package would also help Puerto Rico's financially beleaguered government avoid running out of cash in the wake of Hurricane Maria." The resolution to add the disaster appropriations text to the bankruptcy judge bill passed 353-69, and **Fitzpatrick voted YES**. Now the new version of H.R. 2266 goes back to the Senate for a vote.

#### **S. 585: Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017**

<https://www.govtrack.us/congress/bills/115/s585/text>

This bill was introduced by Sen. Ron Johnson (R-WI). It is a bill that protects federal whistleblowers who reveal federal waste, fraud and abuse. Previous whistleblower protections protected people who disclosed law-breaking, but provided little for those who revealed malfeasance that did not break laws. The bill is named for a VA doctor who tried to disclose information about the VA over-prescribing opiates to its patients. Dr. Kirkpatrick was first disciplined, then fired, had his life (and that of his dog) threatened by a former patient, and then tragically committed suicide. Later investigations revealed that he was completely justified in his concerns about over-prescription. Over the summer, this bill passed the Senate unanimously. This bill came before the house on 10/12/17, and it passed 420-0, so **Fitzpatrick voted YES**.

## MoC Twitter Action

**Senator Bob Casey hot topics:** The Senator was busy on Twitter toward the end of the week, with each day devoted to detailed responses to specific topics. On 10/11 he released more than 40 tweets in a point by point breakdown of the ramification of Trump's tax proposal and how it would negatively affect Pennsylvanians and all Americans. On 10/12 he highlighted how much additional assistance Puerto Rico needs in the wake of Hurricane Maria, and then moved on to the Trump Administration sabotage of the ACA. Then on 10/13, he addressed the President's action on the Iran deal, he supports our continued diplomatic efforts towards Iran, and does not approve of the President's decision to decertify..

Casey tweet of the week, 10/12/17: "For nine months, the Admin & congressional Republicans have abdicated their basic obligation to make sure our health care system works."

**Representative Fitzpatrick hot topics:** The Representative was characteristically quiet this week, with one tweet and two retweets. He concentrated on his own legislation, for addressing the opioid crisis and his Made in America Act, to standardize labelling of American-made goods.

Fitzpatrick tweet of the week, 10/11/17: "Grateful for the opportunity to discuss my #bipartisan 'Road to Recovery Act' to end the IMD exclusion: <http://bit.ly/2xzBWsv> "

**Senator Pat Toomey hot topics:** The Senator also had a quiet week, with only two tweets. One congratulated the Pittsburgh Penguin hockey team, who visited the White House, and the other was a retweet that quoted him on tax reform.

Toomey tweet of the week, 10/12/17: 'Senate Republicans @SenateGOP -"I see [#TaxReform] as just an amazing opportunity." – @SenToomey'

## The Busy news week - a Senator \*doesn't\* respond

It was my intention to highlight some of the most consequential news of the week - the President's decision to "decertify" the Iran deal, the policy change to permit insurance plans that do not meet minimum coverage guidelines of the ACA to be offered for purchase, the President's plan to cease ACA subsidy payments to insurance companies - and post the responses of our Members of Congress. For the sake of fairness, I won't post when only one Senator comments on an issue - I don't want this to become a Casey-only report. Thus, you won't see coverage of these three topics because Senator Toomey has been **entirely silent** on these issues. I have not seen any media coverage of his position (Example from an Allentown station: "69 News reached out to Republican Senator Pat Toomey and Representative Charlie Dent for comment on the executive order but neither responded to the requests"), his website and Twitter feed do not acknowledge the existence of these events, and when called his staff has no comment. If, like I do, you feel that it is unacceptable for one of our Senators to have no public comment on the most important news of the day, changes that will no doubt affect the lives and health of millions of American, please let him know you feel this way. If enough people call him for his position, he cannot ignore the issues indefinitely.

## A nomination to watch - Barry Myers and the National Oceanic and Atmospheric Administration

This week President Trump nominated the CEO of Accuweather, Barry Myers, to lead the National Oceanic and Atmospheric Administration. NOAA oversees the National Weather Service, and is a critical player in disseminating climate science data to scientists and universities. In discussing Mr. Myer's qualifications, Science Magazine reports the "...he has business and law degrees, but will bring no scientific expertise to an agency that traditionally has been led by administrators holding scientific doctorates." Also of note is that Accuweather is a direct competitor of the National Weather Service's own online presence, and this presents a significant conflict of interest.

What makes this nomination particularly egregious is Mr. Myers' previous legislative interactions about a decade ago. In 2005, Mr. Myers worked with PA's own Rick Santorum to sponsor a bill that would have restricted public access to NOAA's climate data (while still giving companies like Accuweather open access). Inside Climate News explains the ramifications of this situation succinctly: "installing a non-scientist with a vested interest in privatizing government data could result in the hobbling of an agency that provides a critical function in weather forecasting, oceanography and climate science."

If you find this nomination outrageous, please Call Senator Pat Toomey to tell him you disagree with his decision to support the Myers nomination. The Senator has already released a statement that says (in part) "I applaud President Trump's decision to nominate Barry Myers to head up NOAA...I believe Barry will succeed in his new position with NOAA and I look forward to working with him and his team once he is confirmed by the Senate." Here is [Mr. Toomey's contact info](#)

If you want more information about this nomination, here are three articles of note from [Science magazine](#), [Inside Climate News](#) and [Salon](#).

## Casey in the News

Topic One: Health care cuts

On 10/10/17, Penn State News reported on Senator Casey's participation in a Children's Hospital round table event in Hershey. The discussion focused on the Children's Health Insurance Program, or CHIP. The article reports that Casey feels that CHIP funding should be a priority for both parties, and he emphasized that "this is about the lives and health care of children." The Senator attended another CHIP-related event at Moses Taylor Hospital in Scranton on 10/11/17. The Scranton Times-Tribune reports on 10/12/17 that "Casey discussed the implications with Teresa Miller, acting secretary of the state Department of Health and Human Services, hospital officials and two CHIP customers." The article noted that if Congress doesn't reauthorize the program, 177,000 Pennsylvanian children will lose health coverage.

Topic Two: Banning Robocalls and Spoofing

As reported last week, Senator Casey is working with Pennsylvania State Attorney Josh Shapiro to take on Robocall scams. As the ranking member of the Senate's Committee on Aging, the Senator was anxious to protect the elderly population. In a WNPV 1040 AM piece from 10/09/17, the Senator discussed one personal story, where "...Arlene was scammed out of 800,000 through calls that she received claiming that she won an international lottery. We all have a sacred responsibility to do more to ensure that con artists don't scam our loved ones out of one more penny." The Legal Reader blog from 10/10/17 quoted the Senator, who said "It has been nearly eight months since the FCC first proposed a rule that would make it harder for scammers to spoof certain telephone numbers to trick people into answering their phones and creating opportunities for fraud and scams. Today, I call on the FCC to finalize this rule immediately, so that we can uphold our sacred responsibility to do more to safeguard older adults from frauds and scams."

Topic Three: Tax reform

A 10/11/17 article in Lancaster Online reports on Senator Casey's appearance at an event in Elizabethtown to discuss tax reform. Mr. Casey said "it gets worse than just the giveaway [to the wealthy]. Because they've got to give so much to the wealthy and the big corporations, guess where they make up most of the revenue? You guessed it. Medicare and Medicaid." The Senator also discussed a suggestion he made to Steve Mnuchin, "I said to the Treasury Secretary, 'Why don't you start with the middle class? Why don't you give the middle class a tax cut, a big one, and if there's something left for the rich, well, maybe they can get a little bit.'" Mr. Casey also added, "When they propose these crazy ideas, we're going to fight them." The Senator also appeared at an event in Philadelphia, and the Delaware County Times covered it in their 10/11/17 edition. They quote the Senator, who asked, "Eighty percent of the Trump/GOP tax framework goes to the top 1 percent. How does that make sense? How in God's name can they say that this proposal has anything to do with giving the middle class a break?" That article also reports that Senator Casey wrote a letter to President Trump about the tax plan, in which he says "A

family of four would gain \$11,300 in standard deduction, and simultaneously lose \$16,200 in personal exemptions.” As for how to move forward, the Senator said, “We should sit down and figure out a way to reduce corporate tax rates, but not to just sit down and come up with an arbitrary number and expect the rest of us to come up with the revenue ... we need bipartisan hearings. We could discover bipartisan ways to reduce the corporate rate and figure out a way to make it sensible so it doesn’t blow a hole in the federal budget over the next decade.”

## **Fitzpatrick in the News**

### Topic One: Campaign 2018

The 2018 congressional race has begun to take shape, as outlined this week in the news and opinion columns of the state’s mainstream political blog, PoliticsPA. Navy veteran and Chalfont native Rachel Reddick announced this week she would mount a Democratic challenger to Brian Fitzpatrick, saying that “Washington isn’t delivering for Bucks County families,” and pointing to Fitzpatrick’s 80 percent support for the Trump-backed legislative agenda. “We welcome her to Pennsylvania and wish her well in her new residence,” said a Fitzpatrick spokesman. Meanwhile, to Fitzpatrick’s right, Marine veteran and former county prosecutor Dean Malik announced at the Irish Rover tavern in Langhorne his third try to garner the Republican nomination in the 8th District, charging that Fitzpatrick has not been a reliable Trump ally.

### Topic Two: Gun control

Bills to ban or regulate “bump stock” attachments like the one used in the Las Vegas massacre gained traction as an immediate and limited response to the tragedy. Reportedly, Rep. Fitzpatrick is working with Democratic Rep. Dina Titus of Las Vegas on a bill that would highly regulate the attachments, which enable semi-automatic weapons to fire faster. Asked for the Philadelphia Inquirer’s four-question survey on gun proposals whether he supports a ban on high-capacity magazines, Fitzpatrick replied, “Common-sense restrictions should be addressed.”

### Topic Three: Student debt

Press coverage from California newspapers on Fitzpatrick’s pairing with Rep. John Garamendi of that state to introduce a bill to reduce student loan debt through refinancing.

## **Toomey in the News**

### Topic One: Tax reform

On 10/09/17 NBC News reported that “the Republican tax plan is looking like an increasingly tough sell, with party factions pulling it in several directions at once.” They observed that one of the stumbling blocks was a proposal to end the deduction for local and state taxes. They quote Senator Toomey, who noted “It’s unfair people in low-tax jurisdictions subsidize people in high-tax jurisdictions. Why should that be the case?” The Tribune-Democrat covered a 10/10/17 visit that the Senator made to Johnstown Area Regional Industries’ Center for Business Development roundtable meeting. At the event, the Senator spoke extensively on the topic of tax reform. He said “I think we’re heading down a path to have the most important tax reform in 30 years. I think it’s really important because – my personal opinion – is that our tax code is part of the reason why we haven’t had a more robust recovery after the Great Recession that began in 2008... I think it’s fair to say that virtually everybody of modest means, ordinary means is going to see a reduction in their total federal tax obligations. It will be some combination of slightly lower marginal rates, doubling of the standard deduction, and then adjusting the bracket thresholds so that people end up with a reduced burden. I think doubling the standard deduction also will have the effect of simplifying returns for a lot of people who will take advantage of that.” This [Tribune-Democrat article](#) has the most complete coverage of the Senator’s position with extensive quotes well beyond what we have space for here as well as video from the event, and is a must-read for anyone who would like more information on this topic.

#### Topic Two: Gun control

The 10/10/17 Pittsburgh City Paper covered the Tuesdays with Toomey protest outside the Senator's office, which focused on gun control this week. A member of CeaseFirePA spoke at the event, and observed "...despite his big talk and the fact he actually campaigned on this issue, Pat Toomey has done next to nothing to get common sense gun legislation passed. Placing your name on the bill and abandoning it at the first sign of resistance is not the answer." Many news outlets reported on the legislative efforts to ban 'bump stocks' - the items used by the Las Vegas shooter that can turn a semi-automatic firearm into an automatic that can spray bullets virtually non-stop. Those articles all referenced the failed 2013 efforts by Senators Toomey and Manchin (D-WV) to expand background checks, but none carried any new information about the Senator's current position or efforts.

#### Topic Three: Toomey town hall questioner controversy

Senator Toomey held a tiny, televised town hall this August. At the event, an audience member asked a question about immigration raids, but worded it in an inflammatory way that was perceived by some as a threat to Mr. Toomey's family. The televised feed was cut for this, and the man was removed from the event by law enforcement. There were reports afterwards that the questioner was going to be charged with a crime. On 10/09/17 Lehigh Valley Live reported that no charges are to be filed against the questioner, noting that the prosecutor felt that the man was "was within his right to free speech under the First Amendment to the Constitution." The same day the Pittsburgh Post-Gazette carried a statement from Mr. Toomey's spokesperson, who said "'Senator Toomey believes that basing a question upon the kidnapping of one of his children is not just reprehensible, it's inherently threatening. However, Senator Toomey respects the legal judgement and professionalism of DA Morganelli and his team. Therefore, Senator Toomey accepts the legal conclusion reached by DA Morganelli.'" This story was picked up by national news on 10/10/17 and 10/11/17, and this same information was included in dozen of news outlets.

#### Topic Four: Senate Majority Leader?

On 10/11/17 Fox News carried an article titled 'Conservative groups demand McConnell step down as Senate GOP leader.' In the piece, it is reported that the Senate Conservatives Fund, FreedomWorks, the Tea Party Patriots and For America made a joint statement to this effect at a press conference, and sent a critical letter to Senator McConnell. When FreedomWorks President Adam Brandon was asked who he thought should replace Mr. McConnell, he said "If I had to pick someone, I'd love to draft like Pat Toomey."

## **Learning about Legislation - War Powers/Authorizations for Use of Military Force**

With the rising tensions between the United States and North Korea, there has been increasing news coverage on the topic of war powers. The Washington Post [reported](#) that 4 in 10 Americans thought, incorrectly, that the Constitution grants the power to declare war to the President. A little more than half of respondents got that question right. In light of that situation, it seems appropriate to look at how our nation deals with war powers, and how that power has shifted in the last century.

The Constitution gives the power to declare war to the Congress. Amidst a long list of Congressional responsibilities, Article I, Section 8 of the Constitution says "The Congress shall have power...to declare war." But it also says, in Article II, Section 2, "the President shall be commander in chief of the Army and Navy of the United States." This check and balance, which was meant to protect the population by ensuring that any war was well debated and supported by the majority, lead to several conflicts. If the President is the head of the armed forces, can he deploy troops overseas to a location where the Congress has not declared war? How do we deal with situations where our troops are involved in armed conflict, but the Congress hasn't declared war?

After the conflict in Viet Nam, a "police action" where Congress never declared war, Congress decided to take legislative action. In 1973 they passed the War Powers Resolution. This extensive bit of legislation is described as follows by the Library of Congress:

“The first part states the policy behind the law, namely to insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, and that the President's powers as Commander in Chief are exercised only pursuant to a declaration of war, specific statutory authorization from Congress, or a national emergency created by an attack upon the United States...; the second part requires the President to consult with Congress before introducing U.S. armed forces into hostilities or situations where hostilities are imminent, and to continue such consultations as long as U.S. armed forces remain in such situations...; the third part sets forth reporting requirements that the President must comply with...; the fourth part of the law...requires that U.S. forces be withdrawn from hostilities within 60 days of the time a report is submitted unless Congress acts to approve continued military action...; the fifth part of the law sets forth certain definitions and rules to be used when interpreting the War Powers Resolution.”

When Congress wants to authorize hostilities, they pass legislation called “Authorization for Use of Military Force” or AUMF. After the 9/11 attacks, the Congress passed Authorization for Use of Military Force Against Terrorists, in 2002. That AUMF is still in effect, and has been interpreted as giving the last three president the right to take military action not just in the Middle East and Afghanistan, but also in the Philippines, Georgia, Yemen, Djibouti, Kenya, Ethiopia, Eritrea, and Somalia

This situation is made more complex, though, by nuclear weapons. A [PBS article](#) describes that situation best, noting “During the Cold War, the U.S. military built an elaborate system to control the thousands of nuclear weapons in this country. There are many checks and balances, no officers who work with intercontinental ballistic missiles, nuclear armed aircraft, or nuclear submarines can launch missiles alone. They always work in twos, or sometimes entire teams. But there is an exception to that. The entire system is designed to respond to the sole decision of the president.” So, while the president could not (Constitutionally) declare war entirely on his own, he can (procedurally) make the decision and have the armed forces drop a nuclear bomb anywhere on his say-so alone.

If you find this situation disturbing, there is a legislative option that seeks to remedy this problem which you may want to ask our MoCs to support.

#### **H.R. 669: Restricting First Use of Nuclear Weapons Act of 2017**

#### **S. 200: Restricting First Use of Nuclear Weapons Act of 2017**

<https://www.govtrack.us/congress/bills/115/s200/text>

These identical bills were introduced in the House by Rep. Ted Lieu (D-CA) and in the Senate by Sen. Ed Markley (D-MA) back in January. In the House there are 58 co-sponsors (57D, 1R) and in the Senate there are 9 co-sponsors (8D, 1I). This bill would limit the President's right to unilaterally authorize a first-strike nuclear attack. It does, however, preserve the right of a president to unilaterally respond, should a foreign power attack first. None of our MoCs are amongst those co-sponsors, but Representative Fitzpatrick is a member of the House Foreign Affairs Committee, where this bill is pending. Please consider contacting him if this issue is of importance to you.

If you are interested in following all of the voting action in Congress there are a number of phone apps that come in handy. One of our fearless leaders, Connie Gruen, recommends the Countable app. It is available for both Apple and Android phones. You can sign up at [Countable.us](http://Countable.us) to get instant notification when our legislators vote, as well as details on each measure, pros and cons, status, and links to take action.

For those of you who are more computer- versus phone-oriented, I recommend [Govtrack.us](http://Govtrack.us) - the website enables you to add individual bills that interest you to a docket, so you can easily see the status of all your items in one place. They can also provide daily or weekly digest emails (your choice) to track the action of any legislator, committee, bill or vote. If not for Govtrack, I would not be able to compile this report.



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. Can you help us out? Please email [KierstynPZ@gmail.com](mailto:KierstynPZ@gmail.com) and put "MoCTrack Help" in the subject. Thanks!